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S. HRG. 100-522, PT. 6

THE INF TREATY

MARKUPS AND HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES

MARCH 22, 23, 24, 28, 29, AND 30, AND MAY 16, 1988

PART 6

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THE INF TREATY—MARKUP

TUESDAY, MARCH 22, 1988

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 4:45 p.m., in room SH-216, Hart Senate Office Building, Hon. Claiborne Pell (chairman of the committee) presiding.

Present: Senators Pell, Sarbanes, Cranston, Kerry, Adams, Moynihan, Helms, Lugar, Evans, and McConnell.

The CHAIRMAN. Now, in accordance with the notice that we sent out, I would like to just discuss possible procedures. Nothing is in concrete. This is a good chance for us around this table to decide how we will go ahead.

We should bear in mind that we face 39 separate category 3 amendments to the text of the treaty, and we also have 4 conditions to the text of the treaty.

This is going to obviously take quite a lot of time. Some of these may be dependent on the Armed Services Committee. Others of them would not be dependent on them, and my proposal, if agreeable to my colleagues, is set forth in the memorandum I sent to you March 18.

As a taking off point, would that be agreeable to my colleagues, or would they have any refinements or changes in it?

I would hope we could agree, too, if we did not put a time there, that our general rule should be 20 minutes on an amendment, time equally divided. I think we all know the subject matters.

Senator HELMS. Mr. Chairman.

The CHAIRMAN. Senator Helms.

Senator HELMS. Well, first let me say to you, sir, that you deserve every commendation and total respect of all of us for the effort you have spent and the patience you have demonstrated in conducting these hearings on the INF Treaty, and I say that freely and enthusiastically.

The process has taken a great deal of time on your part and your staff's part. But I think it is kind of essential to preserving this committee's jurisdiction over treaties as well as the Senate's constitutional prerogatives in regards to arms control treaties.

No, I have already notified the chairman of my objections, may be too strong a word, my reservations to several features of your proposed markup procedures, and just for the record, let me summarize those objections or reservations at this point.

The CHAIRMAN. Certainly.

Senator HELMS. I am concerned, first of all, that the memorandum makes it appear that the committee intends to rush through its markup without the thoughtful consideration for which this committee and its chairman are known. Now, I know that is not the chairman's intent, but it sort of sounds that way.

And I note that there should be adequate consultation with the ranking minority member with respect to special procedures for consideration of matters before the committee. And frankly, and I say this with all due friendship and respect, this has not occurred. The proposed procedure does not seem to me to be consistent with the committee rules which specifically state, and I quote, issues of procedure which may arise from time to time shall be resolved by a decision of the chairman in consultation with the ranking minority member. "The chairman, in consultation with the ranking minority member, may also propose special procedures to govern the consideration of particular matters by the committee."

Furthermore, the question arises are not the proposed procedures at odds with the committee rule which requires that "the standing rules of the Senate shall take precedence in the event of a clear inconsistency between the committee's procedures and those of the full Senate." Now, obviously in the Senate, any Senator's right to propose amendments to pending matters cannot be curtailed except by unanimous consent of the Senate, and really—and I have no intent or desire to frustrate the chairman of the committee or delay to any degree significantly the reporting out of this treaty. I understand arithmetic. I can count. But I think that we ought not to put this treaty out on the floor and then have days upon days of debate on it.

Similarly, the idea of curtailing the offering of amendments in committee should not be imposed except by unanimous consent of committee members, and I hope you do not disagree with that.

I have to take exception, I have already been notified of other objections on our side. I might add that members now in the minority have been meticulous in maintaining this right in the past. The only difference is now you are in the majority. And I urge continued commitment to that principle. It is not only proper for the protection of each Senator's rights, but required by the parameters of the Senate rules, in my judgment, if I understand the rules, and I think I do.

Now, with regard to the offering of amendments and in what order they should be offered, should not each Senator offer his amendment at any place that he feels appropriate? What is the purpose, you know, other than racing to get something reported out, to do otherwise? If an issue is well understood, it might be considered immediately. If it is complex, perhaps it could be deferred temporarily, but surely we should not set out upon a course in which advance notification of the content of amendments is required. It is not required in the Senate. It is a practice that has long been opposed within this committee on both sides of the aisle.

Now, am I, Mr. Chairman, misreading the intent behind the proposed procedure for discussion? It would appear, and I hope I am wrong in my impression about it, it would appear to deny any true debate, and I do not think that is what the chairman intends. The

outline of procedures seems a bit rigid. There appears to be no allowance for discussion or modification by other Senators.

Furthermore, I wonder how we can agree that only amendments in the committee documents can be considered at the appropriate place. Is this not so inflexible that it does not permit orderly procedure?

Neither this proposed requirement nor the proposal for a vote at a time certain without knowing what the Armed Services Committee is going to come forth with in its written report, for example, especially since the committee has never considered the treaty article by article and has not received the report of the Armed Services Committee and is not likely to receive the report of the Armed Services Committee for perhaps a week, according to Senator Nunn.

Now, let me say to my fellow Senators on the committee the same thing that I said to the chairman. It is not my purpose, not my desire, and not my intent to seek to prolong the work on the treaty. I think I have demonstrated good faith during the hearing process, and I intend to continue that.

Now, on the several occasions on which I sought to have additional testimony, the chairman most graciously consented, and those extra hearings have not prolonged our deliberations, and I believe they have added to the value of the record.

Now, let me say once more for the purpose of emphasis that I do not want to or intend to obstruct the markup, but it seems to me in all sincerity, Mr. Chairman, that we cannot legitimately proceed without due consideration of all relevant matters, and we do not have them available yet. It will be my intention to propose serious amendments, and I will try to persuade my colleagues on the merits of those amendments, and I will certainly abide by the results of our discussion and votes, and of course, I will reserve the right to try again on the floor.

But I do hope that we will not adopt any regimen that violates what I consider to be the traditions of this committee and the Senate's rules and prerogatives, because these have been used for a long time in this committee and in this Senate, and for one purpose, and it will happen to every Senator here some time on some piece of legislation, he or she will want her rights protected to present a minority view, even if it is a minority view of one.

I have had my say, and I thank you for your patience in that regard.

The CHAIRMAN. Thank you, Senator Helms. I appreciate your viewpoint. We had some discussions, perhaps more in writing than has been my custom before, and I would appreciate comments from the rest of my colleagues as to changes or whether they would be guided by the proposed procedures.

We have a working quorum here. My own hope would be that we could move along these lines.

I recognize the strong feelings of the ranking minority member on this, and nevertheless, have equally strong feelings that we have an obligation not to get mired down in reporting out this measure.

Senator EVANS. Mr. Chairman.

The CHAIRMAN. Senator Evans.

Senator EVANS. Mr. Chairman, I think it is no secret that I share with the chairman an enthusiasm for successful passage and ratification of this treaty.

I do have several questions, however, of the procedures which are set forth.

First, it seems to me, and I would join with the ranking member in this, that anticipation of completion of the markup by Friday afternoon, March 25, that is 3 days from now, is enthusiasm beyond bounds.

The CHAIRMAN. That seems very unlikely. I would not disagree with the Senator.

Senator EVANS. And we have got apparently 43 amendments and conditions already in being, and others probably to come.

I would hope that we do not try to—you know, I am an enthusiast about moving with dispatch, but I hope we do not feel that it is so necessary to move that we exhaust ourselves in the process, nor that we give inadequate attention to each of the amendments.

The CHAIRMAN. That is a golden target, but that is about it.

Senator EVANS. Let me second—I am just a little curious about the last couple of sentences in the first section there where it says I intend to oppose all reservations, conditions, et cetera, with the possible exception of a condition on treaty reinterpretation. Your support on that would facilitate an early completion of the markup.

That is presumably 1 amendment out of 43 or 44. I am just curious how that would—if we did not choose to move ahead on that, how is that going to delay things?

The CHAIRMAN. This is the point that we were discussing with Senator Nunn, and maybe there will be some other way of resolving it and not having an amendment, but I was reserving my position on that one amendment. Otherwise my position now—it can change if the reservation seems to have merit—but we ought to bear in mind that when we are talking about amendments, 39 of them, they would require renegotiation of the treaty with the Soviet Union.

Senator EVANS. Well, I understand, and I am certain, obviously all of us will reserve our votes until we see the amendments and hear the arguments, but I guess I just did not understand why support of that particular one would necessarily speed things up, or opposition to it would slow things down any more than any other amendment.

The CHAIRMAN. I think people are more divided on that than any other issue, and I would——

Senator EVANS. Well, that remains to be seen. I am not sure that——

The CHAIRMAN. I would not like to see this go through on a partisan line. I would hope we could work something out in a nonpartisan way, but we may not be able to.

Senator EVANS. Just one other question.

On page 2, subparagraph (c), it says "committee staff should prepare a list of such items that would be proposed amendments and conditions for distribution to members by close of business Wednesday, March 23, after which no other proposals will be in order."

And I would seriously object to that simply on the basis that it—I have no amendments currently filed, and I at this point do not necessarily have any that I will suggest, but I certainly would want to reserve my right after seeing what kinds of amendments are proposed, conditions adopted or seeing how things go, to reserve the right at some future point to propose an amendment that at that point seems to be necessary.

It is impossible at this time to anticipate.

The CHAIRMAN. Not an amendment, I would hope, a reservation.

Senator EVANS. Well, I would hope not an amendment either, but I can conceive of circumstances that would—we might find ourselves adopting an amendment that would then create a desire to amend that amendment, or to modify it in some respect.

The CHAIRMAN. But in that case, a majority can change this around any time they want.

Senator EVANS. I just wonder, is it really necessary?

It seems to me that everybody will have their amendments in, but to then, you know, even say that we have lost a right to submit an amendment other than by a majority vote of the committee to change things is I think excessive.

The CHAIRMAN. I have just seen in the past examples and times when toward the last minute, suddenly six or seven amendments pop up.

Senator EVANS. Oh, I understand.

The CHAIRMAN. I am trying to avoid that if possible.

Senator EVANS. No, I think we would all like to avoid them, but there is a difference between having those pop up and having them pass, and I think that amendments at the last minute, especially as we are moving toward a committee vote, tend not to have very much credence in terms of the committee, but I would hate to get us to the point where a legitimate amendment that was brought about because of some intervening activity that we may have taken on other conditions or amendments would be denied to a member other than by having a majority vote of the committee or unanimous consent to offer that.

The CHAIRMAN. After which no other proposal will be in order except by majority consent? You would not——

Senator EVANS. Well, I am not quite sure what to do under these circumstances. No, I think that we ought not to have that—I do not think it would be terribly time consuming or extending our business at all just to not have that in there, in other words, to allow proposals to be made that no one can anticipate.

I do not think anybody is going to dump a whole fistful of amendments in, but you know, we can handle those pretty fast, too.

The CHAIRMAN. It has happened.

Senator EVANS. Oh, I know it has happened, but then, where are we left?

And I am speaking really at the moment theoretically because I do not have any amendments. But if I cannot except by a majority vote of the committee propose an amendment after March 23, tomorrow, I suppose we had better recess to my office and think up every conceivable, potential condition, amendment, reservation so that I am covered, and there will be another 40 amendments filed.

The CHAIRMAN. Well, I hear you, and let's weigh that in with whatever the other comments are of our colleagues.

Senator Adams.

Senator ADAMS. Mr. Chairman, maybe we can reach a way of handling that if we tried to set a realistic time certain for voting on the treaty. That would then place us in the position similar to that we have on the Senate floor when we arrive at that time for a final vote and there are amendments remaining that have not been debated, they are voted upon but without debate.

That deadline can be extended if it is desirable to do so. I am only attempting to provide, I would say to the Senator from Washington, a logical progression so that you could divide the amendments among the sections and as a section came up, it could be completed and you would move to the next. There would be no attempt to shut somebody off from offering an amendment, but rather to have an orderly way of moving through it with a time certain for a vote. This would be an expeditious way and fair way of handling it so the chairman could plan whether to have evening sessions, to have weekend sessions, or whether it could be done during the day. The handling of the existing amendments would be done and those trying to arrange the scheduling would be able to plan the business through the period of up to the date and time certain for a final vote.

Really, what the chairman is attempting to do is under the chairman's powers of rule 3E. This permits establishment of a procedure, through consultation, which is going on right at the present time, not just with the ranking minority member, but with all members. I compliment the chairman for including all of us in the effort to establish a system for an orderly handling of the amendments with fairness to all.

So, could we perhaps, Mr. Chairman, see if we could get some agreement on a final time for vote? I agree that maybe Friday is unrealistic, and there may be a different date that you would want. Maybe Wednesday of next week with a majority escape clause vote so that you could go over through the day on Thursday is more reasonable. That way there would be a package by Wednesday night voted on, and if the amendments that had been adopted triggered another set of amendments, they could be filed that night within another time limit for, say, 4 o'clock in the afternoon on Thursday, a week from today.

I am just trying, I would state to the Senator from Washington, not trying to indicate an arbitrary way, but to work out with and among all of us while we are here a procedure that we all understand and that we all could accommodate ourselves to.

Is that possible?

Senator EVANS. Well, it just seems to me that the idea of proceeding and collecting such amendments as we have and ones that anyone really thinks are appropriate, and going through section by section trying to deal with them is a perfectly appropriate and good way to do it.

But it just seems to me that maybe the best way to start is to start, not trying to, before we have had a chance to even see how things go, try to set a time limit and maybe end up with some very, very important amendments or at least some member may think

they are important amendments, right up against a time certain that would not allow any discussion.

You know, this is not a minor matter. We are dealing with probably the most important subject that we will deal with this year, certainly, and maybe in several years, and I think that maybe the fastest way to get going is to at least assemble the amendments, start through the process section by section, see how we go. If at some future time it looks as though we are running into delay or to some kind of problem, I think at that point we might well want to set some time limits or review where we are.

The CHAIRMAN. Senator Lugar.

Senator LUGAR. Mr. Chairman, let me just offer these as suggestions rather than amendments to your plan.

I accept the fact that the Senator from North Carolina has serious reservations about the treaty, or at least would try to perfect it through a substantial amendment process. Although he does not seek to delay it, I understand that we have work to do.

I suppose my own hope, without putting a burden upon the chairman and ranking member, is that the two of you could engage in a private consultation and work out some modus vivendi, at least, to reasonable limits.

Now, obviously if a situation develops in which any Senator, and not just the Senator from North Carolina, feels compelled just to keep offering amendments, and it is apparent that the objective is merely to delay the treaty, then I would support the chairman in the use of his authority to expedite the process, which might mean fairly short debate on a good number of amendments.

At the outset, I must confes that I do not know what these amendments are; none of us do.

After seeing the 41 amendments, I could probably reach some evaluation as to how substantive and serious these are, and how much preparation and debate is going to be required.

I would hope that not all of the amendments would be offered. There may be a necessity of making a record for all of them, and we would all understand that, but I would hope that it would not be necessary to debate all of them to the *n*th degree.

First of all, we ought to have the amendments before us and I would like to suggest that before we start debate each morning, we have the text of amendments of the day in front of us. It is awfully difficult to have a useful debate when the amendments come as a surprise. Tactically, that is sometimes useful on the floor, but I think not so useful in a serious treaty. We should see the language and try to analyze the implications.

I would hope, Mr. Chairman, that you and the Ranking Mermber could reach an accommodation and approach this committee with a unanimous consent request on mark-up procedures. Otherwise the Senator from North Carolina is correct; precedents may be set that are injurious to every member.

And yet, I would have to say to the Ranking Member, as a good friend, that the real fear is that if you do not have the votes, one tries to overload the treaty by amendments. That is not fair, and should not be permitted to succeed.

At some point, having had the argument, we need to have the vote, and we need to move the treaty along to the floor. I am going

to support the chairman and you if you can reach some accommodation. Ultimately I would have to support the chairman in the event that delay seems to presage defeat of the treaty because that would run counter to the role of the committee.

Senator SARBANES. Could I ask a couple of questions? Is there anyone who differs with the proposition that for the purposes of the markup it would be helpful to have the text of the amendments ahead of time, so that members have a chance to consider them carefully rather than seeking some kind of tactical advantage by offering an amendment on the spot?

As a matter of proceeding, would it not be helpful and advantageous to get the amendments in advance, in order to review them and address them in an orderly fashion?

The CHAIRMAN. Well, I think that will be accomplished, because we have pulled them together, those that are presently in. And they will be distributed.

Senator EVANS. It seems to me that that is a useful thing to do.

However, I think it is impossible to do at this point. Maybe what we will have to do, if we get down the line some place, and again just speaking purely theoretically, because I have no amendments currently to offer, it may become apparent to any one member that a new amendment not thought of up to that time, or at least drafted in a different way, would be a useful thing to put before us.

At that point I think it should be put before us in written language. And hopefully, unless there is such unanimous agreement or understanding of it immediately, that by common consent we would lay that over for a day or for a certain length of time, so that everyone does have a clear idea and has a chance to analyze what that proposed amendment is.

But I do not think we can identify all of those amendments at this point.

Senator SARBANES. But as a general proposition, I take it you agree that it is desirable to have them ahead of time.

Senator EVANS. Absolutely. Or at least when they are proposed, that there be some length of time, some reasonable length of time between the delivery of the written amendment and the time we act upon it.

Unless there is just unanimous consent that it is simple enough or straightforward enough that we want to move ahead.

Senator SARBANES. Is there general agreement that we should consider amendments that relate to a particular article of the treaty more or less at the same time, instead of moving around the treaty from one part to another? Would that make for a more orderly consideration?

Senator LUGAR. Well, I suspect that it relates to Senator Evans' point. This treaty has to be considered in its entirety.

You may be considering article VII and suddenly your mind reverts back to article III. Knowledge of amendment language in advance and careful consideration of the treaty's provisions and their implications are very important.

I think I am less persuaded that we need an article-by-article approach to the mark-up. There are not that many articles. It is a pretty short treaty, all things considered.

Senator CRANSTON. Mr. Chairman.

The CHAIRMAN. Senator Cranston.

Senator CRANSTON. I think that Jesse Helms and Dan Evans have made a good point about that language, after which no other proposals will be in order, and that we ought to drop that out.

I hope we can have sort of an understanding that nobody is going to come in with 30 or 40 amendments. This is to leave it so that if some new issue arises of the sort that both Jesse and Dan suggested that they have an opportunity to bring in an amendment to cover that.

The CHAIRMAN. Senator McConnell, do you have any thoughts on this?

Senator MCCONNELL. No, thank you, Mr. Chairman.

The CHAIRMAN. Well, it seems to me that I am not sure that a consensus was reached.

But it seems to me that there is a reasonable consensus that we might as well get started, and that we should follow Senator Helms' suggestion and knock out the deadline of March 23, after which no proposals will be in order.

We will leave open the question of time on the amendments and reservations until we can get further along in it. I wince at the sort of amendments as opposed to reservations or declarations.

The format of markup will be distributed, so that everybody has an opportunity to see what is so far being submitted. And, if, after a day or a couple of days of industrious work, we feel that the amendments should be limited to, say, 20 minutes, evenly divided, that maybe we could follow the suggestion of the Senator from Washington of a fixed day.

We will not agree on that now. Let us just, I think, start ahead.

Senator HELMS. Mr. Chairman.

The CHAIRMAN. Senator Helms.

Senator HELMS. I think you will be surprised at how facilitating not going by anything other than the precedents and the rules will be.

Now, over on the Senate floor, I have seen 3 hours spent in discussing a unanimous consent agreement, when we could have finished the bill before we got the unanimous consent. And everybody had to have his say.

Why do we not just follow the rules and the precedents, and see how we get along? I think you will be surprised. I have got no desire to prolong this. It is just as tough on me to sit here with a bad back as it is anybody else. So, why do we not just move along and see where we come out.

Now, I will make one caveat. I do want to know what the Armed Services Committee report is going to say. And I think we would make a mistake, even if we have to get right up to the point of taking a vote on the report, I think we would make a mistake if we went ahead and reported it, absent that report from the Armed Services Committee.

And I say that just as one Senator. Now, you will respond accurately, or you may, that well, you know, in that case we can handle that on the Senate floor. But I think we want to be a little bit more careful and circumspect than that in the committee.

And I urgently recommend to Senators that we wait until we get that report which will be forthcoming, and in an abbreviated form

tomorrow. And then the committee report will be next week, according to Senator Nunn.

The CHAIRMAN. Would it be the understanding of the committee that, if we did do that, we would go through everything else first and we would be in morning, afternoon, and maybe in the evening, to wrap up as much as we can of the amendments that are in?

Senator SARBANES. Well, Mr. Chairman, I do not think we should in effect turn the schedule of this committee over to the control of another committee.

I think we can bear in mind the point Senator Helms has made, but that we ought to proceed with our work, and just see how matters progress. The issue may, in the end, work out of its own in due course, depending upon how our schedule moves and how the Armed Services Committee moves.

But I would not want to undertake a commitment that would, in effect, predicate the work of this committee on the work of some other committee. I do not think we should do that.

Senator HELMS. Well, I have not said that, Paul. What I have said is that I assume that all of us have confidence in Senators Nunn and Warner and other members of the Armed Services Committee.

And of course they have addressed this in greater detail, the military aspect, in far greater detail than we have. We have almost been, well, we have had scant attention paid to it, relatively.

I am not saying, I am not saying we ought to turn over this committee's responsibility or its authority to any other committee. As a matter of fact, I have stood with this chairman on that very point. And I shall continue to do it.

But, I do feel that it would be unwise if we went ahead and reported this treaty prior to the time we get this report, assuming it is going to come in a reasonable length of time, as Senator Nunn said it is.

The CHAIRMAN. Let us postpone that. As Senator Sarbanes has said, we do not want to see our committee firmly latched on to another committee.

But keeping in mind your thoughts and the views of all of us, and the respect we have for the Armed Services Committee, let us just see how the time goes.

Senator HELMS. Fine. That is exactly what I said.

The CHAIRMAN. But I would like to have a general agreement that, as we get into the amendments, we could more or less agree that in 20 minutes or half an hour, evenly divided, the essence of these amendments would be known, and we could move ahead and vote on them.

I think we all have seen the debates on the Senate floor where it has gone on for a long time. And yet I only recall in my 27 years here now, I can recall scarcely any time when debate was changed by vote, where the debate changed the comprehension on the issue that I had to start with.

That agreed upon, I would suggest we recess at this time and come back at 10 tomorrow morning, and resolve to put in a full day. And if we are really going, maybe go into the evening.

Senator LUGAR. Mr. Chairman.

The CHAIRMAN. Senator Lugar.

Senator LUGAR. Let me add a thought. I appreciate the point made about the contribution of the Armed Services Committee, and we all enjoyed the excellent testimony today.

But I, for one, would not put any more confidence in the judgment of the Armed Services Committee than in the judgment of this committee. We have jurisdiction on this treaty. I thought the Armed Services Committee comments were very interesting. That committee has listened to a lot of witnesses.

Having raised questions about treaty provisions, they have tried to get clarification. Senator Nunn wanted to pin down some clarifications through actual amendments. We will consider those ideas.

But I do not want the impression created that our committee is somehow composed of citizen amateurs, that we have held our hearings on a pro forma basis, but that the real debate and expertise are on exhibit in other committee settings and thus the Foreign Relations Committee should reserve judgment on the treaty until the other committees have rendered a verdict.

The other committees have held some interesting hearings. But ultimately, members of this committee must excercise their own best judgment as to whether this treaty is in the national interests of the United States. This committee needs to proceed along its own mark-up schedule. If members of other committees arrive at different judgments, I assume those differences will be expressed in the form of amendments to the treaty, if members feel strongly about their views.

I gather from the comments of Senator Nunn and Senator Warner that, having identified some potential problem areas in the treaty, they have sought clarifications to the point where additional qualifications to the treaty may not be necessary on the floor of the Senate. I found those views reassuring.

The CHAIRMAN. I think your point is very well taken. Any other observations? If not, we will recess until 10 tomorrow morning.

[Whereupon, at 5:25 p.m., the markup was adjourned, to reconvene at 10:10 a.m., March 23, 1988.]

THE INF TREATY—MARKUP

WEDNESDAY, MARCH 23, 1988

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met at 10:10 a.m. in room SD–419, Dirksen Senate Office Building, Hon. Claiborne Pell (chairman of the committee) presiding.

Present: Senators Pell, Sarbanes, Cranston, Dodd, Adams, Helms, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Trible, Evans, and McConnell.

Also present: Ambassador Maynard W. Glitman, Chief INF Negotiator and Head, INF Delegation; and Gen. Frank A. Partlow, Jr., Office of the Secretary of Defense.

The CHAIRMAN. The committee will come to order.

I would like to express my gratitude to the four Senators who are here: Senator Helms, Senator Cranston, and Senator Lugar. We still lack enough to make an actual quorum, but let the record show that at least our four sturdy warriors are here. When we get an actual quorum of 10, we intend to vote on the nomination of Mrs. April Glaspie. So, we all know when that might come.

And I appreciate very much the minority members' acquiescence in that.

So, why do we not proceed in an orderly way and examine the amendments that are in the book before each one of us. Anybody who wishes to take an amendment up out of order, that will be permitted. But let us work through now.

We have the first amendment, offered by Senator Helms, and I would like to recognize Senator Helms.

Senator HELMS. Mr. Chairman, if I might have the privilege of just a minute or so. As we begin this markup, I feel obliged to quote one of our distinguished witnesses before this committee in consideration of this treaty, and this witness outlined very well from my point of view why the Senate's advice and consent function is so important and why it should be undertaken so carefully and thoroughly.

This witness appeared on February 24. His name is Robert C. Byrd. He is the Majority Leader of the U.S. Senate and, I might add, Senator Lugar, he was born in North Carolina. I bet you did not know that.

Senator LUGAR. No, I did not.

Senator HELMS. So, I have added to the sum total of our knowledge this morning among a lot of us.

Anyway, let me quote Senator Byrd. He said: "As I approach my decision on approval of ratification of this or any other treaty, I have to remember that a treaty is the law of the land and that most laws of the land are passed by both houses of Congress by a simple majority vote and that the Presidents can veto them and that they can be overridden by supermajorities of both Houses."

Senator Byrd proceeded. "I have to keep in mind that this law of the land, this treaty"—meaning the INF Treaty—"or any other treaty, this law of the land does not pass both Houses; that the Constitution's framers had some reason for giving this responsibility to one body, the Senate of the United States.

"Now, in the case of bills that are enacted into law by both Houses, if there is a mistake that is made the Congress can rectify that mistake quickly through the passage of additional legislation, and if an error is made in our approval of the ratification of a treaty this error cannot be so easily corrected."

Further, he said: "In the context of the law of the land, we have a very different animal here when we are talking about a treaty from that bill which becomes law. Now, if the Senate approves the ratification of a treaty, it ought to know what it is doing." By "it" he meant the Senate.

"It is no rubber stamp. It"—the Senate again—"is the most serious, one of the most serious, of all serious resposibilities of the Senate. The House does not have that responsibility. And that law of the land, as I have said, can only be passed by a two-thirds majority. If we make a mistake, we cannot apply the bandage to stop the hemorrhage quite so quickly as we can with a bill that is enacted into law."

I thought, Mr. Chairman, that we ought to revisit those eloquent words by the majority leader who appeared before this committee, as I say, on February 24, because I think they underscore the serious work that faces this committee and subsequently the U.S. Senate.

And I thank the chairman.

The CHAIRMAN. Thank you.

Senator Lugar.

Senator LUGAR. Mr. Chairman, in the same spirit of careful consideration of this treaty, I would like to ask the permission of the chairman and the ranking member to request that Ambassador Glitman, our negotiator, and his team be at the witness table throughout our mark-up.

I and others will be asking questions of them, andour understanding of the care and precision which they took in drafting the treaty is essential in the event we seek to amend it.

Would it be permissible for them simply to take up a permanent position of assistance to us throughout the markup?

The CHAIRMAN. I would have no objection to that.

Senator HELMS. Oh, I think it is a good idea.

The CHAIRMAN. Very well then. If you would please step forward.

Senator LUGAR. I thank the Chair.

The CHAIRMAN. Do you feel lonely? Do you want a companion up there with you? [Laughter.]

Ambassador GLITMAN. Senator, if I may, I would be happy to call upon them if needed.

The CHAIRMAN. Fine.

Now, if it is agreeable to my colleagues, we will go on to amendment No. 1, offered by Senator Helms, to exempt the conventionally armed Cruise missiles from the coverage of the treaty. Senator Helms.

Senator HELMS. Thank you.

Before we do that, Mr. Ambassador, let me begin by asking you this question. Will your comments today reflect "authoritative representations" of the administration?

Ambassador GLITMAN. They will, Senator, in the context of the way that Secretary Shultz has used that phrase.

The CHAIRMAN. Would you haul the microphone a little closer, please.

Senator HELMS. Well, as you know, we have been having a little family dispute over this issue. Now, I would remind you that Secretary Shultz' letter indicated that errors in the administration presentation would be acknowledged, and I would like to request of you that you alert us promptly if you discover that any of your answers or your comments during this markup are not indeed authoritative or if they are in error.

We do not expect to be here very long, so it will be important to make those corrections, if any, as promptly as possible before we have completed the exercise.

Mr. Chairman, what is the pleasure of the Chair? Do you want people to read the amendment?

The CHAIRMAN. Well, I thought we might just go along ad seriatim. But if for any reason anyone wants to take one out of order, that is their privilege. The simplest thing would be just to start out from page 1 and take your amendment that would exempt conventionally armed Cruise missiles from being covered by the treaty.

We will hear your arguments for it, the administration comment, our arguments either for or against it, and then we will vote. I would add that there is no compulsion to consult with the administration. It is only if we are in doubt and feel that we need their expert advice.

Senator HELMS. Mr. Chairman, yesterday Senator Nunn stated, and I quote from his testimony: "The Soviets could develop and deploy a new type ground-launched ballistic missile replacement for the SS-20, provided that missile was tested one time at a range in excess of 5,500 kilometers, even if it were tested on every subsequent occasion at INF ranges."

Now, I think Senator Nunn is right. It might be interesting to have the Ambassador's comments and those of other Senators. I think this is a major loophole in the treaty, and obviously Senator Nunn has that sort of feeling as well, though I do not presume to be speaking for him. But he seemed to be making himself pretty clear yesterday.

The most likely path for such a new type missile intended for intermediate-range deployment, but exempted from this INF Treaty by a single test in excess of 5,500 kilometers, would be a two-stage version of the SS-25. Now, Dr. Eimer from ACDA, the Arms Control and Disarmament Agency, testified last week, I believe it was, that the treaty would permit the Soviets to take a two-stage SS-25 out of the portals of the Votkinsk assembly plant and that we

could use one of our inspections to verify that it was indeed an SS-25, but we would have to let it pass.

Now, of course, the warheads are bolted on in the field, not in the assembly plant. Dr. Eimer testified that the Soviets in the field could rebolt an existing SS-20 postboost vehicle, including the warheads, onto the two-stage SS-25 with only minor adjustments.

Now, a number of people initially scoffed at the idea that the Soviets could rebolt their SS-20 warheads. But apparently, based on my understanding of what Dr. Eimer said, this would prove to be the case.

All they would do then or would have to do is to test it once at 6,000 kilometers and it would be legal. Thus, the Soviets would have in effect a modernized SS-20 fleet, using the same warheads but with updated delivery vehicles.

I mention all of this, Mr. Chairman, to be fair about it and to give advance notice that I am preparing an amendment on the two-stage SS-25. I do not have the final language to my satisfaction yet. The reason I was so interested in when the Armed Services Committee could provide its report, the reason I was so insistent about that yesterday, is I want to see what they say on this topic before I proceed. But in any case, I wanted to be fair about it and let you know that this amendment is coming.

Now, Mr. Chairman, amendment No. 1 on page 1 of the spread sheet has as its purpose to exempt conventionally armed Cruise missiles from the coverage of the treaty. I would say at the outset that we are jumping right into one of the most controversial issues of this entire treaty, the treatment of Cruise missiles.

Senator Warner yesterday appeared before this committee and referred to this issue. I believe I am quoting him correctly when he said this is the chief battlefield of the INF Treaty.

Now, article 2, paragraph 2 of the treaty provides that any ground-launched Cruise missile "that is a weapon-delivery vehicle" is prohibited. So, the effect of this prohibition is to ban both nuclear and nonnuclear Cruise missiles, and the effect of the provision is uneven and it is a severe disadvantage to the United States in my view, inasmuch as the United States, not the Soviet Union, has such conventionally armed Cruise missiles.

Now, Richard Perle was before the committee, and of course all Senators know that he is former Assistant Secretary of Defense. Richard Perle identified this as the single most important flaw in this treaty. And he has strongly recommended that the treaty be amended as I am proposing, to provide that only nuclear weapons delivery vehicles are prohibited, not conventionally armed Cruise missiles.

Now, let me emphasize, Mr. Perle favors the treaty and he stated to us that he opposes killer amendments, whatever they are, and he recommends this modification nevertheless as essential, imperative to protect vital U.S. national security interests.

He has suggested that such a modification to the treaty would not result in the treaty being killed or even renegotiated, but rather that the Soviets would accept this change.

He also emphasized that the modification was for 6 years the United States position during negotiations with the Soviets and it

was dropped in the bottom half of the ninth inning on this particular treaty.

Now, Mr. Chairman, this is one of the most important issues and one which in the full Senate there is the strongest support, as I see it. It is an issue which closely divides the Armed Services Committee, and there appeared to be some allusion to this yesterday by Senators Nunn and Warner.

Now, the Intelligence Committee in an unclassified report also pointed out our colleagues' concerns on this issue, saying, and I quote from the unclassified Intelligence Committee report:

> In the INF agreement, the United States has sacrificed the right to deploy a conventional long-range, ground-launched Cruise missile, which we call the GLCM, against the Warsaw Pact, principally because monitoring the distinction between nuclear and conventional Cruise missiles is difficult.
>
> Some members of the committee believe that other national security interests may have been subordinated to verification considerations on the GLCM issue. This has raised serious concerns among members of the committee that similar considerations of verifiability in START could lead to unduly restrictive limitations on future U.S. options for conventionally armed air-launched and sea-launched Cruise missiles.

End of quote from the Intelligence Committee.

Now, Mr. Chairman, as much as our own committee has talked about the overwhelming Soviet conventional arms superiority in Europe, we find that the one conventional arms limitation in this INF Treaty, a treaty presumably addressing nuclear arms control, applies not to the Soviet Union in practice, but rather to the United States. And as a result, the conventional imbalance in Europe will be even greater than it is at present, and the present itself is certainly a disturbing situation.

So, Mr. Chairman, I recommend hopefully to my colleagues that this amendment, which you may want to call the Perle amendment or whatever, be adopted.

The CHAIRMAN. Thank you very much indeed, Senator Helms.

Senator Cranston.

Senator CRANSTON. I would like to say this about that amendment. When the United States previously in the INF negotiations had attempted to keep open the option of the conventionally armed Cruise missile, the United States did so strictly on the condition that the sides would be able to demonstrate that the missile was not nuclear armed. Neither side in the INF negotiation tabled a verification proposal for this purpose.

Neither side knows how to do it. The testimony from the Intelligence Committee yesterday, in response to a question from Senator Sarbanes, was that if the treaty had permitted conventionally launched Cruise missiles, their testimony to us yesterday would have been very different. They would not have said this can be verified. This treaty, they would have been compelled to say, cannot be verified.

I think we do not want to open the door to that threat to this treaty, and we do not want to be signing or going along with a treaty with the Soviet Union that would be unverifiable to that degree.

The fact is there is no way to verify the distinction between nuclear and conventionally armed Cruise missiles. The United States would have to consider any Cruise missile a nuclear armed.

Moreover, while the United States previously in the negotiations wanted to keep open the option of a conventionally armed Cruise missile, it had no plans then and it has no plans now for such a missile system. The Soviets, however, could deploy such a system very rapidly, building on their experimental ground-launched Cruise missile program. So, the adoption of this amendment, if that is what we did, would give a significant advantage to the Soviet Union.

President Reagan specifically overruled the Office of the Secretary of Defense on this issue during the negotiations. The President decided that conventional Cruise missiles should not be allowed because such a provision would be unverifiable and would permit the Soviet Union to have an opportunity to convert conventional Cruise missiles into nuclear Cruise missiles.

The Joint Chiefs of Staff also concluded that conventional GLCM's should not be allowed because no military requirement has been identified for the missiles and because such a provision could open the door to large-scale Soviet cheating.

This amendment would also require reopening negotiations with the Soviet Union. And if we wanted to get into that kind of situation, it is quite possible that the Soviet Union would require concessions from us in return for this seeming concession to us, which really would not be a concession to us, but they could certainly interpret it as that. And that would create a still more difficult situation.

We would plainly not get a treaty any time soon if we adopted this amendment. So, I think it fairly bears the label of a killer amendment.

Let me finally say, it was the U.S. position to ban these weapons in the negotiations. We did not want to admit Soviet inspectors into the United States Cruise missile production facilities in order to distinguish between nuclear armed and conventionally armed missiles. We just did not want the Soviets to have that opportunity to the degree that would be necessary to wander around in our defense establishment.

Senator HELMS. Well, suppose we ask Ambassador Glitman a few questions about this. My good friend is always positive and sometimes right.

Does START envision limiting nuclear Cruise missiles?

Ambassador GLITMAN. Yes, Senator, it does, ALCM's in any case, the air-launched version. The sea-launched version is under discussion as to just how to do it.

Senator HELMS. I am sorry, I cannot hear. Would you pull the microphone much closer.

Ambassador GLITMAN. Air-launched Cruise missiles and sea-launched Cruise missiles are under discussion in START, and we certainly envisage putting limitations on the air-launched version. The sea-launched version is under intense discussion between us and the Soviets.

Senator HELMS. Does it envision banning conventional Cruise missiles?

Ambassador GLITMAN. It does not.

Senator HELMS. It does not.

So, my friend says that this is just a killer amendment, but we are going to sort of insist on what this amendment provides for INF, we are going to insist on it for START; is that correct?

Ambassador GLITMAN. Yes. There are different systems, of course. We have conventional Cruise missiles in being for both ALCM and SLCM, and we have a role and a mission and we have different platforms. So, it is not the same thing.

Senator HELMS. I understand that. But how about the Joint Chiefs? Have they ruled out the possibility that a verification regime may be developed to distinguish between conventional and nuclear Cruise missiles?

Ambassador GLITMAN. They certainly join with the rest of the community, as well as with the Intelligence Committee of the Senate, that with regard to the ground-launched Cruise missile version it would not be possible to distinguish between conventional and nuclear.

Senator HELMS. But that is not exactly responsive to the question. Have they ruled it out?

Ambassador GLITMAN. They have not ruled it out for the sea- and air-launched versions which are under negotiation in START. We are having great difficulty in doing it, but they have not ruled it out in the context of those platforms, as opposed to the ground-launched platforms.

Senator HELMS. Now, for the purposes of the record, will you identify the Defense Science Board? Are you familiar with it?

Ambassador GLITMAN. I know of it, Senator.

Senator HELMS. What do you know about it?

Ambassador GLITMAN. That it exists. You are undoubtedly going to refer to a report that it prepared on this subject.

Senator HELMS. That is correct, you got that right.

So, to make it a matter of record, the Defense Science Board recommended to the Joint Chiefs that they maintain conventional GLCM's in Europe; is that not correct?

Ambassador GLITMAN. That is correct, and the Chiefs took that into account when they reached their decision, which was to conclude that they did not believe that we had such a requirement.

Senator HELMS. You have a distinguished General who wants to tell you something over there, I see.

Ambassador GLITMAN. He said that they made no such formal recommendation, the General who passed that information to me.

Senator HELMS. Well, did they make it informally? I mean, what is the difference if they recommended it?

Ambassador GLITMAN. This is General Partlow of the JCS.

General PARTLOW. We have been through the briefing slides that captured the Defense Science Board recommendations to the Joint Chiefs at the briefing that they gave to the Joint Chiefs. I believe it was in late August.

There is no specific recommendation that a ground-launched Cruise missile, a conventional variant of a ground-launched Cruise missile in the INF range band, be maintained.

Senator HELMS. Well, let the General stay there, because I may want to ask both of you.

I am correct that for 6 years we took the position that conventional Cruise missiles should be excepted; am I not correct in that?

Ambassador GLITMAN. We left open the option for conventional Cruise missiles and, for that matter, for conventional ballistic missiles for a considerable period. But it was not until the spring of 1987 that there was a decision to say we should protect conventional Cruise missiles on the understanding that that could be verified.

And as Senator Cranston pointed out, the delegation never received a scheme for verifying it. It was never discussed with the Soviets, and one such scheme was never agreed upon. So, the conclusion was that we could not for ground-launched Cruise missiles come up with a verification regime.

Senator HELMS. Well, how do you decide that Cap Weinberger and Richard Perle were so uninformed on this? This is not what they say.

Ambassador GLITMAN. They were informed, Senator. They may have had a different opinion.

Senator HELMS. A different opinion about what?

Ambassador GLITMAN. About this subject. Mr. Perle, as you pointed out, has publicly said that he believes there should be an option, an opening for conventional Cruise missiles. But that was not the decision that was reached by the President.

Senator HELMS. Well, as a matter of fact, I do not want to get into classified stuff. How can I put this? Has not the President been briefed on several occasions on this very subject and specifically decided on several occasions prior to the bottom half of the ninth inning that he wanted to maintain the U.S. conventional capability in Cruise missiles?

Now, is that not a fact?

Ambassador GLITMAN. As I pointed out, Senator, the option was kept open. But there was no decision one way or the other until the spring of 1987. A decision was made on the understanding that, if it could be verified. Later in the year, it was determined that it could not be verified.

There was never any role—JCS had never identified a role for a conventional ground-launched Cruise missile.

Senator HELMS. Did the President condition that or did he just say on a number of occasions, Mr. Ambassador, that he wanted to maintain the U.S. conventional capability in Cruise missiles?

Ambassador GLITMAN. Senator, I do not know in detail whether he said just that. All I know is that we got guidance which told us to seek certain things, and that guidance obviously had to come through the President.

Senator HELMS. Well, I hope that the distinguished members of the news media at the next news conference with the President will ask him if he did not, in fact, on several occasions insist on this.

Well, this issue was decided at what point in the negotiating process?

Ambassador GLITMAN. The final decision was made in the summer, I believe, of 1987. I can't recall the precise date. Certainly when we tabled the treaty in September, the latest version of the treaty in September, it was clear at that point that it was not going to permit a conventional Cruise missile. But the decision leading up to that version of the treaty was taken earlier in the year, in the summer.

Senator HELMS. But you're not sure when it was?

Ambassador GLITMAN. I'm not certain as to the exact time.

Senator HELMS. When you say that the decision was made, who made it?

Ambassador GLITMAN. It's an interagency process which goes before, eventually before the President, ultimately before the President, for approval.

Senator HELMS. And the President, you're telling me, signed off on this in the summer of 1987, Mr. Ambassador? Now this is authoritative testimony that you are giving.

Ambassador GLITMAN. I am trying to remember the exact point, Senator.

Senator HELMS. Take your time.

Maybe the General can get the date for you.

The CHAIRMAN. Excuse me, but while you are doing that, I notice that we now have a quorum.

[Whereupon, at 10:43 a.m., the committee proceeded with a business meeting.]

[Whereupon, at 10:44 a.m., the committee resumed its markup.]

Senator CRANSTON. Ambassador Glitman, is it not the case that on many issues that wound up with an American position in negotiating this treaty, that there were varying views, and there had to be a process of accommodation and compromise within the administration, and on many of these we can hear dredged up a minority view on one matter or another, but the administration finally took a position on these tough issues.

Ambassador GLITMAN. Absolutely, Senator Cranston. That is exactly what happened in this case.

Senator HELMS. I appreciate the cavalry rushing to the rescue on this thing, but I think I was in the midst of asking a question.

Ambassador GLITMAN. I do have an answer to the timing, if you would like, Senator.

Senator HELMS. OK.

Ambassador GLITMAN. The decision was reached on September 11.

Senator HELMS. September 11?

Ambassador GLITMAN. That is correct.

We received the treaty for tabling on September 14, and that was the point at which this position was conveyed to the Soviets—September.

Senator HELMS. Well, Mr. Ambassador, you kind of dismissed Weinberger and Perle and whoever else disagreed on that just as their opinion. But isn't it a fact that you, yourself, have argued for exemption of the conventional Cruise missile?

Ambassador GLITMAN. Absolutely, Senator. That was my guidance and those were my instructions. I carried them out and made as strong a case as I could for those points.

Senator HELMS. Who gave you those instructions?

Ambassador GLITMAN. Those also came from the President.

As long as that was our position, I would defend it. When it got changed, I changed it.

Senator HELMS. Just for the record, give me a summary of your argument at the time that you were following the instructions of the President.

What did you say in defense of the exemption of the conventional Cruise missile? What did you say? What was the argument for it?

Ambassador GLITMAN. Basically that we believed that we should have a right to such a system and that the treaty would deal only with nuclear armed systems.

Senator HELMS. Is that all you said?

Ambassador GLITMAN. It's the sum total of the argument, that it's a treaty dealing with "nuclear systems."

Now, the problem, of course, is that you couldn't verify the difference between a nuclear and conventional, which was, indeed, what turned out to be the case. Then when you said you were dealing only with nuclear systems and it turned out that a conventional system could be turned into nuclear, therefore you couldn't really make a distinction.

Senator HELMS. Well, before the Armed Services Committee on February 4, Mr. Perle was asked by Senator Levin with respect to this. He said on the two key ones which you have identified here today, Mr. Perle said, "I think my view was certainly well known on the Cruise missile issue. This is an issue that the President decided several times. He always decided it the way that I am recommending the Senate decide it until the last time, when he"—meaning the President—"reversed his position for reasons that I do not understand, and almost capriciously went the other way."

Then Senator Levin asked, "Was this after you had left?" Mr. Perle then said, "It was after I had left."

Then Mr. Perle said—no, this is apparently a typographical error in the transcript. I am sure that it was Senator Levin: "So that when you were there, the President, as far as you knew, had specifically decided the way you had urged him to or just relative to the Cruise missile issue?" Mr. Perle: "Several times," and so forth.

I am going to cease and desist here and let the other Senators have at it and have at me, if they wish. But I do ask unanimous consent that the testimony of Mr. Perle in this regard be included in the record at this point.

[The information referred to follows:]

EXCERPT OF TESTIMONY OF RICHARD PERLE BEFORE THE COMMITTEE ON ARMED SERVICES, FEBRUARY 4, 1988

Mr. PERLE. I think my view was certainly well known on the cruise missle issue. This is an issue that the President decided several times. He always decided it the way that I am recommending the Senate decide it until the last time, when he reversed his position for reasons that I do not understand and almost capriciously went the other way.

Senator LEVIN. Was this after you had left?

Mr. PERLE. It was after I had left.

Senator LEVIN. So that when you were there, the President, as far as you know, had specifically decided the way you had urged him relative to the cruise missile issue?

Mr. PERLE. Several times.

Senator LEVIN. You have no insight as to why that final decision came down the other way?

Mr. PERLE. I think it was done in haste and on the basis of a mistaken belief that the Senate of the United States would criticize the treaty if it could be argued, as our negotiator feared the Senate would, that we could not verify this provision.

The only thing wrong with that is we still cannot verify this provision, and the Senate is more sophisticated than that, anyway.

Senator LEVIN. Do you know whether or not the Secretary of Defense recommended in favor of the final position taken on the cruise missile issue?

Mr. PERLE. He, of course, can speak for himself, but I believe that he took the view throughout most of the negotiations that the President supported them; that is, that conventionally armed cruise missiles should not be a subject of this treaty.

Senator LEVIN.But at the end, do you know what his position was?

Mr. PERLE. I believe that was his position to the end.

Senator DODD. Mr. Chairman.

The CHAIRMAN. Senator Dodd.

Senator DODD. I am just curious. There were a number of questions raised by members of the panel, of the committee, to various witnesses, including one specific panel where I think the whole issue of the suggestion by Mr. Perle of this language was addressed. I don't have it yet and I'm trying to get a transcript of the response. Maybe staff will correct me.

Even people who opposed the treaty, as I recall—in fact, I know myself I asked specifically the Perle question of the expert panel, for them to respond to it, and I don't recall a single witness, regardless of how they came out on the treaty, that would state that inclusion of this language would make this treaty verifiable. In fact, quite the contrary, it would make it unverifiable.

Now, if someone can tell me that there was a witness before this committee on this subject who had made the statement that inclusion of this particular language would be verifiable, I'd like to know it. But I don't recall a single one. In fact, quite to the contrary. Even opponents of the treaty said it would make it unverifiable.

If there is any central ingredient here that is new and had been sought after for years, it is the verification issue.

Mr. Ambassador, correct me if I am wrong, and your staff, who, I know, monitored those hearings, correct me if I am incorrect in that. Was there a witness who said that this would be verifiable?

Ambassador GLITMAN. I certainly don't recall that, Senator.

Senator CRANSTON. No, I'm sure there is no witness who said that.

Senator ADAMS. Mr. Chairman.

The CHAIRMAN. Senator Adams.

Senator ADAMS. Admiral Crowe, when he testified on this specific point, said, and I quote, "Additionally, the total ban on ground-launched intermediate and shorter range missiles simplifies the process of verification. All we have to do is detect one illegal missile or launcher after all are supposed to have been destroyed."

The whole point, the whole basis in this treaty of the total elimination is it is easier to detect and it is the only verifiable way with ground-launched Cruise missiles, which can be both conventional and nuclear, to establish a verification scheme.

Therefore, I would hope that we would defeat this amendment, Mr. Chairman, because it was discussed at length, as Senator Dodd has pointed out, with a number of witnesses. The military spokesmen indicated that verification of this, this was a key part of the verification scheme. I think we ought to maintain the verification scheme, and, therefore, I hope the amendment will be defeated.

Senator DODD. Let me ask one other question, if I can.

If this amendment were adopted, would it not be easier for the Soviet Union to cheat on this agreement, if this amendment were included?

Ambassador GLITMAN. That certainly would be my view, Senator, and that of others in the administration.

Senator DODD. Well, I would reject it, if on no other basis, on that basis alone.

The CHAIRMAN. Senator Lugar.

Senator LUGAR. Mr. Chairman, I do not mean to oversimplify this discussion but the appeal of the position ascribed to Richard Perle is that, in order to get this treaty, legitimate national security tools were somehow sacrificed on the alter of verification. At least, this is the charge that is made today. The line of questioning pursued by the distinguished Senator from North Carolina suggests that the conventionally-armed, ground-launched cruise missile has been of great value to us, that the President held to that view, and that Ambassador Glitman argued throughout much of the negotiations in favor of our need to retain it.

All of that is true. All other things being equal, one might have wished to retain the option of a conventionally-armed, ground-launched cruise missile, even while banning the nuclear-armed version. But, ultimately, the administration's inter-agency working group reached the decision that we could not verify the distinction betwee the conventionally-armed and nuclear-armed gound-launched cruise missiles, that the Soviet Union would benefit far more than the United States were the conventionally-armed version exempted from the treaty, and that the Joint Chiefs of Staff had provided bno military requirement for the conventionally-armed, ground-launched cruise missile.

Under those circumstances, it is not surprising that the inter-agency working group made the decision in September to include that system among those that were to be banned by the treaty.

Admittedly, the amendment being offered has some appeal because it relates to a system in our national defense posture that has been the subject of divided opinions within the administration over the years. But, on balance, I believe that this committee must come down to the position adopted by the inter-agency working group and the President.

Senator Cranston is right. If we want to renegotiate the entire INF Treaty, we can just adopt this amendment and reopen the negotiations if the Soviet Union is so willing, with an outcome far from certain.

But I am hopeful that members will defeat this amendment.

The CHAIRMAN. Are there any other comments?

[No response.]

The CHAIRMAN. If not, the clerk will call the roll.

Ms. ALLEM. Mr. Biden.

[No response.]

Ms. ALLEM. Mr. Sarbanes.

Senator SARBANES. No.

Ms. ALLEM. Mr. Cranston.

Senator CRANSTON. No.

Ms. ALLEM. Mr. Dodd.

Senator DODD. No.

Ms. ALLEM. Mr. Kerry.
[No response.]
Ms. ALLEM. Mr. Simon.
[No response.]
Ms. ALLEM. Mr. Sanford.
The CHAIRMAN. No, by proxy.
Ms. ALLEM. Mr. Adams.
Senator ADAMS. No.
Ms. ALLEM. Mr. Moynihan.
[No response.]
Ms. ALLEM. Mr. Helms.
Senator HELMS. Aye.
Ms. ALLEM. Mr. Lugar.
Senator LUGAR. No.
Ms. ALLEM. Mrs. Kassebaum.
Senator KASSEBAUM. No.
Ms. ALLEM. Mr. Boschwitz.
Senator BOSCHWITZ. No.
Ms. ALLEM. Mr. Pressler.
Senator PRESSLER. Aye.
Ms. ALLEM. Mr. Murkowski.
Senator MURKOWSKI. No.
Ms. ALLEM. Mr. Trible.
[No response.]
Ms. ALLEM. Mr. Evans.
Senator EVANS. No.
Ms. ALLEM. Mr. McConnell.
Senator MCCONNELL. No.
Ms. ALLEM. Mr. Chairman.
I'm sorry, Mr. Moynihan.

The CHAIRMAN. Mr. Moynihan votes no, by proxy, and I vote no.

On this vote, there are 13 nays, 2 yeas. The amendment is not agreed to.

We will move on now to amendment No. 2, offered also by Senator Helms, to eliminate all ground-launched Cruise missiles that are, or could be used as, weapon-delivery vehicles.

Senator MURKOWSKI. Mr. Chairman.

The CHAIRMAN. Senator Murkowski.

Senator MURKOWSKI. How was I recorded on that vote?

The CHAIRMAN. You were recorded on that as no.

Senator MURKOWSKI. I would like to change my vote, if I may. I ask unanimous consent that I be recorded as aye.

The CHAIRMAN. Very well. With unanimous consent, since it does not change the result of the vote, the vote of Senator Murkowski is changed to aye.

That then means that we have 3 ayes and 13 negatives. I would suggest that the record be kept open for any of those who wish to cast a vote later on.

Senator EVANS. Mr. Chairman, is that 3 ayes and 13 negatives, or is it now rather 3 and 12?

The CHAIRMAN. Three and 13. No, I'm sorry. My arithmetic was wrong. It is 3 to 12.

Senator HELMS. Mr. Chairman, are you ready for the second amendment?

The CHAIRMAN. Senator Helms is recognized for the amendment to eliminate all ground-launched Cruise missiles that are or could be used as weapon-delivery vehicles.

Senator HELMS. Well, after hearing Sam Nunn testify yesterday, I went back and looked at the amendment, and I'm not sure that it was drafted to get at the point that I was looking for. So, as a substitute, I may wish to offer a modification. But before I do that, I wonder if I could ask a few questions.

The CHAIRMAN. Certainly.

Senator HELMS. Mr. Ambassador, obviously the first question for the record is what is a remotely piloted vehicle, an RPV? Would you describe that in brief terms for the record and for the audience?

Ambassador GLITMAN. Yes.

Of course, it almost defines itself.

Senator HELMS. I understand.

Ambassador GLITMAN. It is a vehicle which can be piloted by electronic means without necessarily having a pilot in it. You can control it from the ground.

Senator HELMS. They call it a "drone," in some circles.

Ambassador GLITMAN. A drone is somewhat different. It may not be remotely piloted. It may have a course laid out for it in its internal memory, so to speak. But they are very similar in that sense.

Senator HELMS. The purpose—and I'm thrashing around trying to make sure that my language is exactly as I wish it to be—it is a fact that we have rather extensive plans for RPV's in the future, don't we?

Ambassador GLITMAN. I would ask General Partlow to respond to that.

General PARTLOW. Senator Helms, I think I can say in open session that we are constantly looking at the possibilities of this sort of vehicle.

Senator HELMS. Well, you understand where I'm coming from. I want to make it clear that this treaty does not restrict such systems.

Ambassador GLITMAN. I can help on that, Senator.

As long as those systems are not weapon-delivery systems—and, as normally used, RPV's and drones are essentially reconnaissance vehicles—they will not be restricted by this treaty.

Senator HELMS. So, what you are saying is that the RPV's that would be permitted would be used purely for reconnaissance, for example?

Ambassador GLITMAN. Yes, Senator.

Senator HELMS. In target identification and designations, radar jamming and all those good things?

Ambassador GLITMAN. Yes.

Senator HELMS. Have the RPV's ever been used in a battle by any country prior to this time?

The CHAIRMAN. The Battle of Britain.

Ambassador GLITMAN. I believe the Israelis have used them for reconnaissance purposes. But I would pass this one to the General.

General PARTLOW. I believe that that is correct.

Senator HELMS. Who used them—the Israelis?

General PARTLOW. The Israelis have used them for reconnaissance purposes. They have a developed system which, in fact, we have looked at as a possible candidate for ourselves.

Senator HELMS. That was in the 1982 war with Syria?

General PARTLOW. Sir, I'd have to take that one for the record. I don't know the precise details.

Senator HELMS. Oh, It's not important.

So, there wouldn't be any question in your mind that the parties to this treaty would not consider reconnaissance, radar jamming, target identification, and designation, things of that sort, that neither the Soviet Union nor the United States would regard these as weapons carrying vehicles. Is that so?

Ambassador GLITMAN. That is correct, Senator.

Senator HELMS. You're sure about that?

Ambassador GLITMAN. Yes.

Senator HELMS. Well, I hope you will get that message to the Armed Services Committee and persuade them because the Armed Services Committee is concerned about that very point. They feel, I understand, that the Soviets may indeed construe some of these to be weapons carriers.

How does the Defense Department intend to use the RPV's in the future—purely for the things you have identified?

Ambassador GLITMAN. That is my understanding.

I would like to ask General Partlow if he could add to that.

General PARTLOW. My understanding, again, in open session, is that there are a number of possibilities which are being looked at.

I should point out, Senator Helms, that the Senate Armed Services Committee is going to have testimony tomorrow in closed session in regard to all of these potential systems, some of which I am not even cleared to know about.

Senator HELMS. General, is it possible or probable, in your view, that the United States may deploy some of these RPV's in Europe to assist in the defense of NATO?

Ambassador GLITMAN. Yes, sir. It's possible.

Senator HELMS. Is it fairly probable?

Ambassador GLITMAN. Sir, I can't answer that.

Senator HELMS. You don't know?

Ambassador GLITMAN. I don't know.

Senator HELMS. Did the Soviet Union press for the inclusion of RPV's in the INF Treaty?

Ambassador GLITMAN. No, Senator, they did not.

Senator HELMS. Would the Soviet Union reject this treaty if we sent it back with a clarification that the RPV's are not covered by this treaty?

Ambassador GLITMAN. I think, Senator, if we were to send it back with any clarification of that sort, this would provide them with an opportunity to reopen perhaps other issues. I think that is the great problem that we would face here.

As for this particular one, I don't believe there would be need to do so since clearly the treaty does not cover them.

Senator HELMS. Well, my substitute—I guess it is all right, Mr. Chairman, if I just offer it.

The CHAIRMAN. Is this in lieu of amendment No. 2?

Senator HELMS. Yes, sir. It is very brief. It is very simple. It says, "Provided that for the purposes of this treaty remotely piloted vehicles shall not be considered to fall under the definition of a Cruise missile or a GLCM."

Senator CRANSTON. What is the intent of that substitute?

Senator HELMS. Well, I'm going to get to that right now.

Would somebody take a copy of this to the Ambassador.

Senator MURKOWSKI. I wonder if I may have a procedural inquiry to the chairman very briefly, while the amendment is being sent to the witnesses.

Senator Pell, may I make a procedural inquiry?

The CHAIRMAN. Certainly.

Senator MURKOWSKI. I'm sorry I wasn't here earlier, but I was at the Energy Committee, where we were having a markup.

In view of the meeting that was held with the Intelligence Committee yesterday and the discussion that came up as a consequence of the Armed Services Committee's examination of the merits of the ground-launched Cruise recommendation either being a part of the treaty or exempt from it as it was negotiated, is it your understanding that whatever recommendation that committee makes to the Foreign Relations Committee will be made only on the floor, and we will not have an opportunity to sit as a committee to discuss the merits of whatever that recommendation would be?

The CHAIRMAN. We will have the opportunity to discuss it right here before we report it out.

Senator MURKOWSKI. I understand that. But we don't have the input from the Armed Services Committee.

Senator Nunn indicated that he had just concluded his hearings and didn't have the time to compile the information and make a recommendation. So, I assume that on this particular area, we do not have the input of the Armed Services Committee, as far as recommending an action from the standpoint of their technical expertise.

The CHAIRMAN. We may well not have that information at the time we report it out. I would hope we would. It is a question, really, of how long it will take. I do think we should not inordinately delay this treaty.

Senator MURKOWSKI. Well, I hate to prolong this, but I guess my question is I would assume there is going to be whatever delay is mandated by the Armed Services Committee finishing their agenda on it and coming up with various recommendations one way or another. And I assume, then, we would only get that when they recommended it on floor action, as opposed to in committee.

I understand Senator Hollings is preparing perhaps an amendment, as well, on the issue of the ground-launched Cruise missile and whether or not they have some strong recommendations on that, which are too early to tell with any definitive action, but I understand it is pending.

The CHAIRMAN. As was brought out yesterday in the committee, we do not have our agenda mandated for us by the Armed Services Committee or any other. If their contribution is available to us in the next few days, we'll take advantage of it. Otherwise we'll take advantage of it on the floor.

Senator MURKOWSKI. OK. It is my understanding that it will not be available in the next few days. So, the only opportunity that we will have to address it then will be on the floor and not on its merits in this committee, as we reflect on the input from the various committees that have a responsibility.

Senator Hollings, of course, is on two committees. He is on the Intelligence Committee and the Armed Services Committee. I share Intelligence and Foreign Relations. That is why I am particularly sensitive to what may very well be an item that gets an awful lot of attention in the Armed Services Committee.

I guess my concern is how much credence would we give to a recommendation from the Armed Services Committee on this particularly narrow area.

Senator SARBANES. Well, we discussed this subject yesterday.

Senator MURKOWSKI. Yes, and without any resolve.

Senator SARBANES. I think the conclusion was that we would move ahead with our markup. We don't control, obviously, the schedule of the Armed Services Committee. It is possible that their conclusions will be available to us before we complete this markup. It's possible that they will not. It will depend on how quickly they move, and I assume if their conclusions are available before we conclude, we will be able to consider them. If not, I take it this would come up on the floor.

Senator MURKOWSKI. I believe that Senator Nunn indicated within the timeframe that he felt was reasonable, that it was quite unlikely that we would have the recommendation this week.

Senator SARBANES. He said they were going to be meeting today, as I understood it, most of the day, and it wasn't quite clear what would come out of that. But there may be something that comes out of that by the end of the day.

Senator MURKOWSKI. Well, I just lay the question out from the standpoint of the recognized expertise that committee has in this area and whether or not it behooves this committee to perhaps put off that particular portion until we get their input because I, as one member, would regard that input very highly, knowing that it would be looked at by experts in the field. I think it is a significant area of concern because it affects the equity of having conventional capability when this treaty is in effect.

I am not bringing this up to do anything more than share with you my concern that we have a standing committee that is going to spend an awful lot of time on this area.

My question to the chairman is simply do we take it on the floor or are we going to have an opportunity in committee. Evidently, it is quite doubtful that we are going to have an opportunity in committee.

The CHAIRMAN. We won't unless the recommendations come through soon enough. But I think we should methodically go through the amendments that we have and not have our timetable, as was pointed out yesterday, hanging on another body.

Senator MURKOWSKI. Obviously these amendments pending by the Senate are in that narrow area, and I would feel much better about addressing them if we had a recommendation from the committee that is going to spend its time in the narrow area.

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I have no objection, obviously, to the procedure, Senator Helms, but I would have a lot more knowledge if we had a recommendation from the Armed Services Committee.

The CHAIRMAN. As I said earlier, if you want to take amendments out of order from the book, you have that privilege and anybody can so move.

Senator CRANSTON. Mr. Chairman.

The CHAIRMAN. Senator Cranston.

Senator CRANSTON. This particular amendment that is now pending revolves around an issue relating to verification, and that is a matter much more in the realm of the Intelligence Committee, where the Senator from Alaska and I serve, than in the realm of the Armed Services Committee.

Senator MURKOWSKI. I was speaking of the previous amendment.

Senator CRANSTON. I would like to ask the Senator from North Carolina a question. I just don't understand one thing about the new version of the amendment.

The first version appeared to me to be one that would ban drones on the grounds that they might carry a weapon.

The second amendment seems to do the opposite, to specify that drones shall be permitted, which is the exact opposite, and which is not necessary because they are already permitted under the treaty.

Senator HELMS. I just want to be sure that we protect ourselves.

I am not absolutely insistent.

Let me say first, to Senator Murkowski, that I agree with him absolutely. I don't know what is the magical effect of racing to get this thing reported because it is not going to be considered by the Senate for a while. We are going on recess for Easter week. It is absurd to suggest that, by waiting until we get the information or the report from the Armed Services Committee, that we are somehow cowtowing to them or submitting our jurisdiction. It's not so.

I stood with the chairman as strongly as anybody possibly could in protecting the turf of the Foreign Relations Committee. But I don't see what the imperative is to say no, we're going to report this thing and get it out of here and get it on the calendar of the Senate before we get all the information.

Now the reason I want to hear from the Armed Services Committee is because I think they have something to tell us. Beyond that, I cannot talk publicly.

But it seems to me that there is a certain disdain for waiting and making sure that we have the information because we are not talking about but 3 or 4 days, and we are talking about nothing in terms of when it is coming up on the Senate floor.

So, I don't understand it.

Senator SARBANES. Well, before the process is finished, we may, in fact, be in a position to have considered those recommendations.

Senator HELMS. I hope we will.

Senator SARBANES. But in the meantime, it seems to me to serve a purpose to move ahead with our own markup.

Senator HELMS. I am glad to move ahead with our own markup. I am just questioning the validity of saying well, we're going to get this thing done and to heck with the Armed Services Committee, if they can't get their report here, then forget it.

Well, I don't want to forget it. I want to hear what they have to say. I want to hear what the Intelligence Committee has to say in its formal report, the committee report. And it won't affect the time that this treaty comes up on the Senate floor 1 second, let alone 1 day.

So, I agree with the Senator.

Senator PRESSLER. Mr. Chairman, I would join in the remarks of my two colleagues. I think it is very appropriate that we have the material from the Armed Services Committee before proceeding, even if it means Saturday sessions, or whatever. But I think we can move along.

To handle some of these amendments without that report, I guess the idea would be that we would start fresh with these on the floor. As a committee we must do our work thoroughly, and it would seem to me that what Senators Murkowski and Helms have suggested is very reasonable.

Senator MURKOWSKI. Mr. Chairman, I would wonder about how we would be viewed if, indeed, we reported out a position and then found that a committee had a recommendation that was meritorious. Then would we go back and have other committee meetings to address it, or just ignore it, or do it on floor action? This is my concern.

The CHAIRMAN. I think we have the same intelligence and competence that members on other committees have. As Senators, we have our duty, which is to report it out. If some change occurs in the Armed Services Committee, that could be argued out on the floor.

But I do think that we should move along.

The ranking member suggested what was the reason for haste? I think the underlying thought here is that we know this treaty is not very significant militarily. It includes, I think, 4 percent of the warheads around the world. But it does open the way for a larger treaty and for movement in the whole field, a continuum of arms control.

I think many of us, not only in the Senate but in our country, in the world, in fact, would like to see real progress made, and the political realities mean that we will not be able to get started in that if this is delayed for an indefinite period.

Senator EVANS. Mr. Chairman.

The CHAIRMAN. Senator Evans.

Senator EVANS. I have a suggestion, Mr. Chairman.

I do think, as a committee, the chairman is right. Each Senator and each committee has its own expertise and has to use it independently. But, under the rather peculiar circumstances which surround this treaty, it seems to me that we do have sort of a superresponsibility that neither the Intelligence Committee nor the Armed Services Committee has because we hold the treaty in hand.

We are to make the amendments, and it seems to me that the feeding in of information from the other committees, where they unquestionably focus more on particular expertise, would be helpful to us.

Can't we, as these amendments come up and as we go through them, if the sponsor of the amendment feels that additional information from the Armed Services Committee or from the Intelli-

gence Committee would be useful, just say let's pass and go on to the next one? I'm not sure on this one, frankly, in looking at the amendment that we are now on, as I read it, at least, it may not be an Armed Services problem, but, rather, just an English problem in saying that "provided that for the purposes of this treaty, remotely piloted vehicles shall not be considered to fall under the definition of a Cruise missile or a GLCM." But in reading the treaty itself and the definitions, I think it clearly does not fall under that definition because it is not a weapons carrying thing.

You know, there are three elements that would bring a ground-launched missile into the treaty. One is the range; one is whether it is ground launched; the third is whether it is a weapons delivery vehicle.

A remotely piloted vehicle that is not a weapons carrying vehicle, even if it is ground launched or whatever its range, would not fall within the treaty.

Is that not correct?

Ambassador GLITMAN. That is correct, Senator.

Senator LUGAR. Mr. Chairman.

The CHAIRMAN. Senator Lugar.

Senator LUGAR. This particular amendment is not of such earth-shaking importance that it requires testimony from other committees.

As Senator Evans has pointed out, it reflects a desire on the part of the Senator from North Carolina to seek clarifications by amending the treaty.

Ambassador Glitman has pointed out that it is already clear from the text of the treaty.

Members have to make a judgment as to whether they want to adopt a clarifying amendment, go back to the negotiating table with the Soviets, and allow them to reopen the treaty for their own purposes. That is not a technical matter at all.

Now I, for one, don't want to reopen the treaty just to satisfy a desire for a further clarification. I think the treaty text is clear on its face and for that reason I would encourage the members to vote on the amendment and get on with it.

I see no particular reason to take another half hour.

The CHAIRMAN. Senator Helms.

Senator HELMS. First, Mr. Ambassador, did you get a copy of this?

Ambassador GLITMAN. Yes, I did, Senator.

Senator HELMS. Suppose it were an understanding or a reservation that did not require a reopening of the treaty. It's not as simple as Senator Lugar appears to be trying to make it.

I am somewhat inhibited in telling him why. But I am interested in protecting the plans that we may have underway that we ought not to be discussing here this morning.

Would you have any objection if it were a reservation or an understanding?

Ambassador GLITMAN. I would, Senator, because it seems to me that doing so calls into question, would appear to call into question our collective national view of what this treaty says, and in my view this treaty makes it clear that we can have such systems and it does not need to have an additional understanding on it.

In fact, if we were to ask for an additional understanding, it would be bound to leave some to conclude that we weren't sure the treaty actually did that.

Senator HELMS. Well, we have a little bit different view on that.

I'll tell you what we'll do, Mr. Chairman. I am going to await information from Senator Nunn and Senator Warner and the Armed Services Committee, which may be here tomorrow. It may be in my hands, or our hands, as the case may be. I am going to lay this amendment aside and defer it and bring it back up.

The CHAIRMAN. All right.

Then we move to amendment No. 3.

Senator SARBANES. Is this amendment being laid aside on the basis of the proposition that there is something coming from the Armed Services Committee that relates to this amendment?

Senator HELMS. It is being laid aside on the proposition that I am an author of the amendment and I want to lay it aside.

Senator SARBANES. All right. But I want to address the point that was made earlier, because obviously there will be amendments that have nothing to do with the Armed Services Committee, and laying them aside on the grounds that we are waiting to hear from the Armed Services Committee is not a procedure that makes sense.

Senator HELMS. Well, I just want to know what I'm doing, Senator, before I proceed with the amendment.

Senator MURKOWSKI. Mr. Chairman, my discussion was on the prior amendment.

Senator HELMS. Yes, I understand that.

Senator MURKOWSKI. For what it's worth—and I'm sorry I wasn't here for the debate—I would have preferred that amendment not to have been offered—but the author has already taken action—until we had had the input from the Armed Services Committee. I would just like for the record to note that.

The CHAIRMAN. Now, as I understand it, Senator Helms will be offering amendment No. 3, to clarify that hypervelocity glide vehicles do not fall within the limitations of the treaty.

I might ask here what is a "hypervelocity glide vehicle"?

Senator HELMS. You might call them futuristic weapons, Mr. Chairman. They are a combination of a Cruise missile and a ballistic missile.

Is that not right, General?

General PARTLOW. It is my understanding that they are some sort of combination. Yes, sir.

Senator HELMS. Yes.

In the uniformed circles, you also call them "smart" ballistic missiles; isn't that right? I have heard that.

General PARTLOW. Sir, I don't know.

Senator HELMS. Here again it's a little bit, as Winston Churchill used to say, futile to discuss this amendment until we get the information from Armed Services. I would like to have their guidance, not that they are taking over this committee, but this involves weaponry, in which they have a decided expertise. But it is an unresolved issue in Armed Services, isn't it, Mr. Ambassador?

Ambassador GLITMAN. The issue is still under consideration.

Senator HELMS. Pardon?

Ambassador GLITMAN. The issue is under consideration, but you would have to ask that committee.

Senator HELMS. Well, I have. That is the reason I made the statement.

Ambassador GLITMAN. I mean you would have to ask that committee what the status was.

Senator HELMS. It is of concern to a number of Senators, not just on this committee or the Armed Services, including Senator Quayle, for example.

Now, the Pentagon has a big plan for the RPV's in the future, so we want to clarify that this treaty doesn't restrict them and the amendment in the markup document is not sufficient to make the clarification, and so forth.

The hypervelocity glide vehicle—Mr. Chairman, I can't move on this one until I get some information from the Armed Services Committee and others.

Have you got some other amendments that you want to offer?

The CHAIRMAN. They are mostly your amendments. Why don't we then go to your amendment No. 4.

I would point out that there will be a rollcall vote coming up at 12 at the latest and a live quorum prior to that.

Do you, as the author of the amendment, wish to withdraw it for a moment and lay it aside?

Senator HELMS. Mr. Chairman, here again I want to hear from the Armed Services Committee.

Senator LUGAR. Mr. Chairman, let me say that the principle involved with amendment 3 is the same as on No. 2. It requires reopening the treaty negotiations and giving the Soviets all sorts of advantages in the renegotiations, all in the name of wanting to clarify the treaty.The idea of amending this treaty just to prove you can amend it, is ridiculous.

Now this does not require Armed Services Committee expertise; this requires the logic of the committee. It's a question of whether you want to reopen the treaty and renegotiate it.

I, for one, don't want to reopen it over something that does not require clarification to begin with because the negotiators have got it right in the text of the treaty itself.

You know, you can defer it forever, but that will still be the issue.

I would just suggest, Mr. Chairman that, as opposed to deferring these issues, we ought to just table them, get a vote, and move on, as we must, if we are going to have 71 amendments.

We are just observing a delay tactic here that I find very disagreeable.

Senator HELMS. Well, the Senator can find anything he wishes disagreeable, but he is not factual.

Do you have 71 amendments?

The CHAIRMAN. You have 36, I believe, and there are 3 others.

Senator HELMS. Well, where did he get 71?

The CHAIRMAN. Maybe they have been added to those.

Senator HELMS. Have you got about 30?

Senator LUGAR. No.

I was told by your staff that you have 71. Is that not right?

Senator HELMS. No. I didn't hear the staff tell you anything like that.

Senator LUGAR. Then how many?

Senator HELMS. I want to challenge you on this business of being ridiculous.

If you want to get into that, Senator, we can go back to South Africa and some of your stands and we can talk about what's ridiculous and what's bad for this country.

Senator LUGAR. Well, fair enough.

Senator HELMS. OK. Let's do it.

Senator LUGAR. But we're talking right now about the INF Treaty.

The CHAIRMAN. What we're talking about here is a treaty, and I would think we all want to roll on, I think keeping in mind the major issue, which is not only this treaty but the future of arms control as well, in the near year or 2 or 3.

Senator CRANSTON. Mr. Chairman.

The CHAIRMAN. Senator Cranston.

Senator CRANSTON. I would like just to add on the amendment which is No. 3 that there is no need for such an amendment. As it's currently conceived, the hypervelocity glide vehicle will fly at ranges greater than 5,500 kilometers. Therefore, obviously it would not be covered in any way, shape, or manner by the INF Treaty.

There is no incentive for the Soviet Union to accept such an amendment because it involves a potential weapon system on which the United States has a significant technological advantage. So, if we bring up such an amendment and renegotiate, then they are going to demand something.

So, there is absolutely no point to it.

Senator HELMS. Well, there you go again.

Now let me ask you this, Mr. Ambassador.

The CHAIRMAN. Excuse me, just so that I understand the parliamentary situation.

Senator Helms, as author of the amendment, do you lay it to one side?

Senator HELMS. Not yet.

The CHAIRMAN. Not yet. All right.

Can we vote on it?

Senator HELMS. No. We are waiting until 11:30, mainly, when we have a vote.

But isn't it true, Mr. Ambassador, that your negotiators did not even know about hypervelocity glide vehicles until after article II was completed?

Isn't that a fact?

Ambassador GLITMAN. That is correct. We didn't know about it until it was put into a report of the AEI.

Senator HELMS. Senator Cranston says it is unimportant and we don't need it and so forth. He never saw a treaty that he didn't like, including the Panama Canal Treaty, the giveaway of the Panama Canal.

Senator EVANS. Mr. Chairman, may we move on with amendment No. 4?

Senator SARBANES. Mr. Chairman, why don't we go on to the next Helms amendment, which is pretty substantive. He is going to

completely change the upper range of the missiles to be covered from 5,500 to 7,000 kilometers.

I think maybe we should come to grips with that one.

Ambassador Glitman, that is a pretty important change, is it not?

Ambassador GLITMAN. That most certainly is an important change, Senator Sarbanes, and it would require readjusting the entire treaty. We would have to go back not only to the Soviets but to our allies on that type of amendment.

Senator SARBANES. Absolutely.

I think maybe we should take that one up and dispose of it. And there is one immediately following it that would reduce the lower range from 500 down to 250 kilometers. That also constitutes a sweeping change in the treaty, does it not?

Ambassador GLITMAN. Indeed it does. It has even greater political consequences because I'm afraid if we were to adopt that amendment, the Soviet reaction might very well be to say thank you very much and let's go down to zero. Then we would have a triple-zero nuclear-free Europe approach facing us.

Senator SARBANES. That's right.

Perhaps we could move to those amendments and consider their impact, which is quite substantial.

The CHAIRMAN. Would that be agreeable to you, Senator Helms, to go to your amendment No. 4?

Senator HELMS. Sure.

The CHAIRMAN. In other words, you are laying aside No. 3 and we go to No. 4——

Senator HELMS. Right.

The CHAIRMAN [continuing]. Which would change the range, redefine intermediate missiles to 7,000 kilometers, rather than 5,500.

I recognize Senator Helms.

Senator HELMS. Before we get too far into this, Ambassador Glitman, you have stated that this treaty is largely a political treaty.

Didn't you say that?

Ambassador GLITMAN. I did say, Senator, that the weapons in question have a very high political content, and so does this treaty.

Senator HELMS. It's goal is to eliminate Soviet ability to intimidate Europe with missiles capable of only INF range. Is that right?

Ambassador GLITMAN. That is correct, Senator.

Senator HELMS. Well let us assume, just for a second, that the Soviets identify a loophole which enables them legally to openly deploy INF missiles. Under this scenario, would Soviet ability to intimidate Europe be revisited?

Ambassador GLITMAN. If they were to redeploy missiles?

Senator HELMS. If they find a loophole. Of course, they don't need a loophole. They just violate the treaty and we do nothing about it.

Ambassador GLITMAN. I'm sorry, I could not hear you.

Senator HELMS. I said they don't need a loophole in the first place. They just violate every treaty that they have ever entered into and we don't do anything about it.

But they would be back in the business of intimidating Europe, wouldn't they—pre-Pershing?

Ambassador GLITMAN. If they had systems which could not reach strategic ranges.

Senator HELMS. If what?

Ambassador GLITMAN. If the systems could not reach a strategic range, therefore were incapable of reaching the United States, but capable of reaching Europe, or Asia for that matter, then they'd be back in the business. But this treaty prohibits that, and that is why 5,500 is significant, because that is the range at which both parties have, for a long time, recognized that you move into the threshold of strategic systems.

The intimidation value is gone once it is established that the missile can reach the United States as well as Europe or Asia.

Senator HELMS. So, just for the record, under this treaty, the maximum range at which a missile can be tested and still covered by the treaty is 5,500 kilometers?

Ambassador GLITMAN. If they are tested between 500 and 5,500 kilometers, they fall within the treaty. If they are tested above 5,500, they are strategic systems and will not fall within this treaty.

Senator HELMS. Well, I said maximum range.

Ambassador GLITMAN. Yes. I want to make sure that we are speaking about the same thing.

Senator HELMS. Well, that is almost exactly the distance——

Senator EVANS. But that is not necessarily a maximum range. It could be a minimum. You can test beyond 5,500.

Ambassador GLITMAN. Absolutely.

But the crucial point is if it goes above 5,500——

Senator EVANS. It can't go between.

Ambassador GLITMAN. It can't go between 500 and 5,500—only. Once you test above 5,500, you have demonstrated the capability of the system——

Senator HELMS. Correct.

Ambassador GLITMAN [continuing]. To be used in a strategic mode.

Senator HELMS. Isn't that what I said?

Ambassador GLITMAN. I'm not disagreeing with you.

Senator HELMS. Anyway, 5,500 kilometers is almost exactly the distance from the Soviet Union to the shores of the United States.

Ambassador GLITMAN. That was, indeed, the basis on which that particular criterion was reached long ago, well before the INF talks.

Senator HELMS. Anything less than that is considered INF, and anything greater is considered intercontinental.

Ambassador GLITMAN. Correct.

Senator HELMS. Now, that loophole was pointed out yesterday by Senator Nunn. He was saying that the Soviets could test a new missile once, one time, at a distance slightly more than 5,500, and then continuously test it at less than 5,500; right?

Ambassador GLITMAN. That is correct.

Senator HELMS. And such a missile would effectively be an INF missile, but would be permitted due to what Senator Nunn—and I agree with him—considers a loophole.

Ambassador GLITMAN. I would not say that it would then be effectively an INF missile. I would not agree with that.

It had been proven with a capability to be used at strategic ranges.

Senator HELMS. But for the purposes of this treaty, the language of this treaty itself, doesn't it make it—you don't see a loophole there?

Ambassador GLITMAN. I do not, Senator.

Again, if one were to look at this situation from a different standpoint, let's take the standpoint that did exist before the INF Treaty came along and we had just the SALT Treaty.

If the Soviets were to test a missile once above 5,500 kilometers and the rest of the time below, and we didn't have an INF Treaty, just a SALT Treaty or a START Treaty, we would certainly want to capture that system in that strategic treaty because we would have said we don't care how many times you have tested it below 5,500, the fact that you have demonstrated it capability to have strategic range is sufficient grounds for us to want to capture that system in this strategic treaty.

The same thing applies in this case.

If we find that the missile goes above 5,500 kilometers, it is capable of strategic ranges, it's ability to intimidate politically is thus gone because you can't be certain, regardless of how often you tested it below, whether it is aimed at the United States and Europe and Asia or just at Europe or Asia.

You won't know that. But you will know that it could reach us.

Senator HELMS. Well, maybe 7,000—you know, that is negotiable.

Now 6,000 serves the same purpose.

Do you see what I'm getting at?

Ambassador GLITMAN. I'm not sure that I do, Senator, frankly.

Senator HELMS. I want it to be made clear somehow—and the Armed Services Committee is having a great debate about this among themselves. I don't know how they are going to come out. I want to know. I want to know the arguments on both sides.

But I just want to make sure that any missile tested at a specified range is not an INF under this treaty.

Do you understand what I am saying?

Ambassador GLITMAN. Yes.

The treaty is very clear on that point, Senator.

Senator HELMS. You say that the Armed Services Committee ought to just forget it, that it's no problem?

Ambassador GLITMAN. I'm not saying that they should forget it. I just said that the treaty is clear on this point. I don't consider it a loophole.

Senator HELMS. You don't think that it is a problem?

Ambassador GLITMAN. Senator, we, as well as the Soviets, test strategic missiles regularly at ranges—in fact, we, more than they—at ranges below 5,500 kilometers.

Senator HELMS. So?

Ambassador GLITMAN. I'm just saying that that is something that we do and that they do. But the important point is that if it has demonstrated its capability to serve as a strategic missile, it should be considered as a strategic missile, regardless of how it is tested subsequently to that.

Senator HELMS. Did you want to say something, General?

General PARTLOW. I just support what the Ambassador said. We do this sometimes for reasons just as simple as keeping it on the range that we have to test fire the missile on. We fire it in a configuration which does not go to its maximum range.

The CHAIRMAN. Excuse me. In view of the time, would you be prepared to vote on this?

Senator HELMS. Here, again, we need more information.

Senator CRANSTON. Mr. Chairman.

The CHAIRMAN. Senator Cranston.

Senator CRANSTON. Mr. Chairman, the INF Treaty covered missiles after long negotiation with the Soviet Union, extending over a very substantial period of time, in the 500-to 5,500-kilometer range. The purpose of this amendment and others like it that are pending is to extend the coverage of the INF Treaty to include all missile systems with ranges from 5,500 and 7,000 kilometers.

So, the Senator from North Carolina is proposing to do away with all the negotiations that have been painstakingly worked out within our administration, within the Soviet Union in whatever way they make decisions, and then jointly negotiated, to have a brand new treaty with a totally different range involved.

This amendment would totally redefine the longstanding range parameters for arms control negotiations. Intermediate-range systems have long been defined, long before this treaty began to be negotiated, as those with an upper range of 5,500 kilometers.

The INF negotiations were designed to address the threat posed to Western Europe by intermediate-range missiles, particularly the Soviet SS-20. Longer range systems are being addressed in the START negotiations—a different arena, a different negotiation that will cover this area.

This amendment would require the reopening of the INF negotiations. It would fundamentally alter the START negotiations, which are now underway. An entire set of new systems would have to be included in the memorandum of understanding, and new verification provisions would be required to cover these systems.

In other words, we would have to start the whole process over again. The process is underway in START and it obviously would be folly to adopt this amendment.

The CHAIRMAN. Are you prepared to vote?

Senator HELMS. No, sir.

You don't have a quorum anyhow?

The CHAIRMAN. Yes, we have seven.

Senator HELMS. Well, you won't when I go out the door. I'll see you after lunch.

The CHAIRMAN. All right, then.

We will meet again at 2 o'clock in this room. I would hope my colleagues could be punctual. My intention is that we should stay in late this evening, until 7 or 8 o'clock tonight, to try to get through as many of these amendments as we possibly can

This hearing is adjourned until 2 p.m.

[Whereupon, at 11:40 a.m., the committee adjourned, to reconvene at 2:25 p.m., the same day.]

AFTERNOON SESSION

The committee met at 2:25 p.m. in room SD–419, Dirksen Senate Office Building, Hon. Claiborne Pell (chairman of the committee) presiding.

Present: Senators Pell, Sarbanes, Cranston, Dodd, Kerry, Sanford, Adams, Helms, Lugar, Kassebaum, Pressler, Evans, and McConnell.

Also present: Ambassador Maynard W. Glitman, Chief INF Negotiator and Head, INF Delegation.

The CHAIRMAN. The Committee on Foreign Relations will come to order.

The Chair thanks those Senators who came here to make a quorum very much indeed, and would recognize the ranking minority member.

Senator HELMS. Well, Mr. Chairman, the next amendment that I shall call up will be amendment No. 6. But I am wondering of the chairman would want to discuss the matter that we discussed privately?

The CHAIRMAN. I think that would be a very good idea indeed. I would think the thought that we discussed of a vote at a time and place certain; that is, 3 p.m. this coming Tuesday, would seem a good idea, most acceptable I know to me and I think to my colleagues.

And we would hope we could go ahead with that, with the understanding that any amendments that remain to be voted on at 3 o'clock would be voted on, but without debate, at that time.

Senator PRESSLER. I missed that. I am sorry.

The CHAIRMAN. That is Tuesday at 3 o'clock.

Senator PRESSLER. So, we have amendments offered when, Monday and Tuesday?

The CHAIRMAN. Yes, and today and tomorrow. Today is Wednesday.

Senator PRESSLER. Not Friday?

The CHAIRMAN. Yes, Wednesday, Thursday, Friday, though not Saturday or Sunday, I hope.

Senator PRESSLER. I would be happy to be here.

The CHAIRMAN. Well, but I am not sure the rest of us are, though we will if we have to.

Senator HELMS. Mr. Chairman, furthermore, in accordance with that, I would say that I intend to call up no more than four amendments and perhaps one fewer than that, and there need not be a long discussion about them.

The point I will say to my distinguished colleagues is that I want some time for Senators to examine the reports from the other two committees which, while they have no jurisdiction over this treaty, they do have some helpful information.

And I figure that if we can reach this accommodation and give Senators an opportunity to read if they wish the report from the Armed Services Committee and the Intelligence Committee, then I will have served my purpose. So, I am agreeable, of course, to the agreement that we worked out.

Senator LUGAR. Mr. Chairman.

The CHAIRMAN. Senator Lugar.

Senator LUGAR. Mr. Chairman, I just appreciate very much the announcement that you have made and the rationale as explained by the distinguished Senator from North Carolina. I think we share the thought that the activities of the Armed Services Committee and the Intelligence Committee are very important.

It was just not clear to all of us this morning how those activities and reports might square with our markup. And I know you, Mr. Chairman, and Senator Helms, the ranking member, have tried to move along expeditiously as well as to utilize those reports, as we did yesterday.

But it seems to me that the arrangement you have arrived at is remarkable, and I just commend both of you warmly for coming to that conclusion literally at the summit during the noon hour. It certainly gives all of us a boost in terms of our morale as we approach another long afternoon of markup.

The CHAIRMAN. I appreciate very much the words of the Senator from Indiana, but want to pay my tribute to the consideration and thoughtfulness of the ranking minority member, who made this arrangement possible.

I would assume, without objection, that this is then agreed to.

[No response.]

The CHAIRMAN. Not hearing objection, again thanking the minority member, why do we not move ahead with his amendment.

Senator HELMS. I think you very much, Mr. Chairman. I might add that I took the liberty of discussing this matter with the majority leader.

Senator PRESSLER. May I ask just one question?

Senator HELMS. Yes.

Senator PRESSLER. If it occurs on Monday and Tuesday that we do not get a quorum and I have some amendments, then at 3 o'clock, irrespective of that, we will start voting on amendments without debate?

The CHAIRMAN. Yes, we will start voting. But you have tomorrow and Friday and Monday, really 3 days. Senator Helms has four, and if you have three, if that is all there is, then Senator DeConcini has one, then there is a very difficult one from Senator Biden, the interpretation one, and Senator Pressler has two conditions.

Senator PRESSLER. So, what is the best time for me to offer my amendments?

The CHAIRMAN. Why do we not alternate between you two?

Senator HELMS. Well, why do you not go now, with the caveat that when his amendment is disposed of, when the Senator's amendment is disposed of——

Senator PRESSLER. Why do I not go right after your amendment. You go ahead with yours and then I will go.

Senator HELMS. It might take a little while, but not too long.

Now, amendment No. 6, if you will consult your spread sheets. I may want a vote on that. I think I know how it will come out, but I will not even call for a vote on it right at this moment.

Amendment No. 6. Mr. Chairman, this amendment deals with the discrepancy between Soviet assertions about the range of the Soviet Scud B ballistic missile and the known facts regarding the range of that missile, which have been determined from the Iran-Iraq war.

At present, the Scud B is not covered by the proposed treaty as a system to be eliminated because I assume that our negotiators accepted the word of the Soviets that the range of the Scud B does not exceed the 500-kilometer range limitation in the treaty.

Now, this strikes me as being a bit strange, frankly, since we know that the Iraqis have fired this exact Soviet missile at Iranian targets at distances of from 600 to 680 kilometers. There have been countless news accounts reporting that, and I believe that it is generally recognized to be accurate, the 600 to 680 kilometers.

For example, the Washington Post yesterday reported an Iraqi attack on Tehran with Scud B's, which means that even if the missiles were fired right from the Iran-Iraq frontline, the distance would be at least 300 miles. Now, we know of course that these Scud B's are not fired from right on the border, and that this range is well in excess of the 500-kilometer treaty limit.

OK, so the purpose of the amendment is quite simply to attempt to bring some realism to our assessment of what the Soviets tell us about their missiles. I suppose it is possible that the Iraqis are better at firing Soviet ballistic missiles than the Soviets themselves, but I think that is unlikely, and I think the Russians know what they are doing.

In any case, if the Iraqis have made an improvement on the Soviet Scud B then it is certain that the Soviets either taught them how to do it or did it for them. Either way, Soviet Scud B's must be brought under the treaty terms, it seems to me, because Soviet Scud B's demonstrably have ranges in excess of 500 kilometers when fired in war in the Middle East, and certainly their range capability is not less than that simply because they are in Europe and because the Soviets or the State Department tell us so.

There is probably no way that the treaty can take care of the problem of the Iraqi Scud B's. But I think that we at least, at a minimum, ought to take care of the Soviet Scud B's and thus prohibit their use against Western Europe and, for that matter, their further transfer to the Iraqis, who no doubt have plans to fire future Scud B's. They have about 60 according to my information, using cyanide warheads.

So, it is inconceivable, it seems to me, that there would be any doubt about this amendment, because it would close a gaping loophole allowed in the treaty. But I have been surprised in the past and maybe I will be surprised again. I hope that will not be the case this time.

In this connection, before I yield for debate, I would like to ask the distinguished Ambassador if he would tell us why the Scud B was not included?

Ambassador GLITMAN. I would be happy to, Senator. The decision was made within the alliance that we would set the lower limit at the 500-kilometer range.

Senator SARBANES. Mr. Ambassador, could you please pull the microphone a bit closer to you?

Ambassador GLITMAN. Yes.

The decision was made within the alliance that we would set the lower limit at 500 kilometers. We recognized—it was our understanding and belief, based on what we had understood from the in-

telligence community, that the Scud B was well below that limit, the Soviet Scud B. The range therefore was set at 500.

And one of the reasons for setting the range at 500 and not lower was that we wished to leave room for our own future systems, something we talked about at some other points during these hearings. So, that is why we chose 500.

Senator HELMS. Figuring that 500 was the maximum range of the Scud B?

Ambassador GLITMAN. No, sir. We believe the Scud B was approximately 300 kilometers in range.

Senator HELMS. 300?

Ambassador GLITMAN. Yes.

Senator HELMS. Well, let me put this another way. How did the Iraqis fire it at 600 or 680 kilometers?

Ambassador GLITMAN. Well, the question is what did the Iraqis fire. We know that the Soviets provided the Scud B's. We do not know what the Iraqis have done with them, and that is under consideration.

At the moment what we have here, therefore, is essentially a third-country system and not a Soviet Scud B, but an Iraqi Scud B. It might not be the same system.

If the Soviets were to test their Scud B's at above 500 kilometers range, they would be captured by this treaty.

Senator HELMS. What do you mean by "an Iraqi Scud B"? Do you contend, Mr. Ambassador, that the Iraqis have not obtained all of the Scud B's that they have in their possession and which they are using, that they have not obtained them from the Soviet Union?

Ambassador GLITMAN. There is no doubt that they obtained them from the Soviet Union. The question is what have they done with them since then, how have they changed them to achieve this result. And that is something that is still being looked at.

I cannot go further in an open hearing on that.

Senator HELMS. Was this discussed in, say, the Armed Services closed hearing with you?

Ambassador GLITMAN. I do not believe we got into this much beyond what we are saying here now in that hearing.

Senator HELMS. Well, this is not the first time you have heard this?

Ambassador GLITMAN. About the Iraqi Scuds?

Senator HELMS. About what I am talking about.

Ambassador GLITMAN. No.

Senator HELMS. Well, let us assume that the Iraqis did modify the Soviet-made Scud B's. Where did they get the expertise to modify?

Ambassador GLITMAN. That again is something that I think is not possible to discuss in an open hearing.

Senator HELMS. You see, Mr. Chairman, this is the kind of question that is causing me to want to defer the conclusion of our consideration of this treaty until we can get further information. I can understand the spot you are on, sir, that you cannot talk in open session about this thing.

But it is a very important issue, and anybody who thinks about the cyanide deaths of those people in Iran and all the dead cattle, the dead children, the dead men and women lying around, as a

result of Soviet-made missiles—this is what gives me heartburn about so many aspects.

Now, what did you say? You said you could not answer whether you discussed this with the Armed Services Committee?

Ambassador GLITMAN. No, I did not say that. I do not readily recall whether this came up in this format with the Armed Services Committee.

Senator HELMS. Well, I can assure you, Mr. Chairman, that the Armed Services Committee is indeed contemplating this thing. I kind of rest my case on that.

The CHAIRMAN. Thank you, Senator Helms. I think that we are all familiar with the "Soviet Military Power" put out by the DOD [indicating], pointing out or saying that the Scud B has a range of 300 kilometers. And we do not know ourselves what the Iraqis did to it or if they extended it. We know they shot a missile more than 500 kilometers.

But I would be prepared to, unless there are comments on this side, to vote. Senator Cranston.

Senator CRANSTON. Well, an earlier amendment that was brought up but that we did not act upon, as I recall, was one that would have extended coverage of INF beyond the 5,500-kilometer range.

This does the opposite. It goes down below the present 500-kilometer range and tries to cover missiles below that area, which again is a total revamping of the treaty, that would require renegotiation with the Soviet Union and would thus be a total change in what our administration worked out within itself, what the Soviet administration worked out, or regime, within itself, and then what we negotiated with them.

This amendment in effect represents an attempt to up the ante after the treaty has been signed to include the Soviet Scud missile system. That was the target of this. The Soviets would respond to this amendment, I would presume, by proposing that we eliminate all systems below 500 kilometers, not just those between 250 and 500.

NATO is firmly opposed to such a triple-zero proposal, which would lead to the denuclearization of Europe. The U.S. official stance is firmly opposed to triple zero at this time.

Regretfully, I think, but understandably, the triple zero is unacceptable to NATO and to the United States at this time, when the Soviets have such a seeming advantage in conventional weaponry. Maybe at some other time when we have worked all that out, this might make a sensible approach.

But it would obviously be unacceptable to NATO and to us at this time. Most of our NATO allies want to avoid arms control at the present time on nuclear systems below 500 kilometers. They prefer to concentrate in strategic, conventional, and chemical weapon reductions.

This amendment also would be totally inconsistent with NATO's Montebello decision of 1983. Secretary Carlucci has called for the development of a follow-on to the existing Lance missile system. This amendment would bar NATO from deploying such a missile with a range between 250 and 500 kilometers, and thus would run smack into difficulties relating to that.

For all of those reasons, I think this amendment should be rejected.

The CHAIRMAN. Is there any further debate on the amendment? Senator Lugar.

Senator LUGAR. Mr. Chairman, I think that Senator Cranston has put his finger on the important point, that we did not want to negotiate systems below the 500 kilometer range. I think Ambassador Glitman tried to define why they arrived at 500 kilometers and that our estimate of the Scud range is around 300 kilometers.

I think Senator Helms raises an interesting point, that it may be possible to modify the Scud; and maybe others have done so. But to our knowledge—and let me pose this as a question just to confirm it—we have no evidence that the Soviets have so modified the Scud to something other than a system characteristic of about a 300-mile range; is that not correct?

Ambassador GLITMAN. That is correct. And if they were to modify a Scud and test it above 500 kilometers range, it would be captured by the treaty, which is what this amendment would seek to do, only it would do it by dropping currently the range level, and would have the effects that Senator Cranston stated.

Senator LUGAR. So, the important point is, even if the Senator from North Carolina is correct that others have modified the Scud and that the Soviets hypothetically might modify it, then it would be captured by the treaty. So, that danger to us has been contemplated.

Otherwise, we do not want to get into a negotiation of systems below 500 kilometers, for the reason Senator Cranston and many witnesses before our committee have mentioned; namely, the problems associated with the triple-zero option and the denuclearization fears in Europe.

Ambassador GLITMAN. That is correct.

The CHAIRMAN. Thank you very much.

Senator HELMS. Mr. Chairman.

The CHAIRMAN. Senator Helms.

Senator HELMS. Mr. Chairman, let me say that this amendment does not propose lowering it below 500, does it?

Ambassador GLITMAN. I am sorry, Senator, I did not hear you.

Senator HELMS. I said the amendment, contrary to what Senator Cranston says, does not propose lowering it. It just points out that the Scud B is an INF missile.

Ambassador GLITMAN. Well, this amendment would capture the Scud B. Now, our understanding of the Soviet Scud B is that it is below 500 kilometers range. So, until such time as we could either have evidence that the Soviets have a Scud B that can go above 500 kilometers range, the effect of this amendment by picking up the Scud B would be to drop the range there.

In any case, I think you had a separate amendment to do just that as well.

Senator HELMS. But I do not see how you arrive at that conclusion, because the amendment does not say anything about lowering it below 500. It is simply pointing out that it is being used by the Iraqis, "it" being the Soviet-built Scud B, for ranges of 600 kilometers or more, and therefore it would be covered under the terms of the treaty.

That is all the amendment says. Now, Senator Cranston in good faith said to the contrary. It just says: "Add before the period 'and missiles which are known to the United States of America as the Scud B.' " That is all it says. It does not say anything about lowering the range.

Ambassador GLITMAN. I think that is fair, Senator.

Senator SARBANES. Mr. Ambassador, if the Soviets were to aproach us and say, we want to change this treaty by writing in a provision that says, also covered by this treaty are missiles which are known to the United States of America as the Lance, and perhaps other missiles that we have under 500 kilometers, what would your reaction be to that?

It would be a unilateral rewriting of the treaty directly to cover our missiles, but not theirs; would that not be the case?

Ambassador GLITMAN. That is correct. And while I think Senator Helms is right, in the way he has drafted this amendment it just says Scud B, you have another amendment that says go down to 250. You could also expect the reaction of the Soviets to be similar to what Senator Sarbanes has just said.

Namely, they would then find a missile of ours and the next step would be, in my estimation, the Soviets would then say: Since you want to reach down to the Scud B, which they would claim is below 500 kilometers, they would then up the ante but good and say, "Why do we not have zero missiles from zero up to 5,500 kilometers?"

We would then be into the famous Gorbachev preferred option; namely triple zero.

Senator SARBANES. As a matter of fact, that is a position the Soviets have been pushing, but which we have been resisting, is that not correct?

Ambassador GLITMAN. That is correct.

Senator HELMS. Well, I do not even know why we are sitting here if we are going to rubberstamp what the Soviets want.

Senator SARBANES. No, I am suggesting that it is your amendment which, in effect, gives the Soviet Union what it wants. This is the direction in which the Soviet Union has indicated it wants to go; it represents their preferred position.

They want to eliminate all missiles below 500 kilometers.

Senator HELMS. Well, I cannot speak for the Soviet Union myself, but I am saying that in the name of God and mercy and everything else, they are providing Scud B's for the heinous purposes that it is being used, and there is no question about who provided the expertise to modify, if in fact they were modified.

But anyway, Mr. Chairman, we might as well vote on this.

The CHAIRMAN. Very well. Are we prepared to vote?

The clerk will call the roll.

Ms. ALLEM. Mr. Biden.

[No response.]

Ms. ALLEM. Mr. Sarbanes.

Senator SARBANES. No.

Ms. ALLEM. Mr. Cranston.

Senator CRANSTON. No.

Ms. ALLEM. Mr. Dodd.

[No response.]

Ms. ALLEM. Mr. Kerry.
[No response.]
Ms. ALLEM. Mr. Simon.
[No response.]
Ms. ALLEM. Mr. Sanford.
Senator SANFORD. No.
Ms. ALLEM. Mr. Adams.
Senator ADAMS. No.
Ms. ALLEM. Mr. Moynihan.
[No response.]
Ms. ALLEM. Mr. Helms.
Senator HELMS. Aye.
Ms. ALLEM. Mr. Lugar.
Senator LUGAR. No.
Ms. ALLEM. Mrs. Kassebaum.
[No response.]
Ms. ALLEM. Mr. Boschwitz.
[No response.]
Ms. ALLEM. Mr. Pressler.
Senator PRESSLER. Aye.
Ms. ALLEM. Mr. Murkowski.
[No response.]
Ms. ALLEM. Mr. Triple.
[No response.]
Ms. ALLEM. Mr. Evans.
[No response.]
Ms. ALLEM. Mr. McConnell.
[No response.]
Ms. ALLEM. Mr. Chairman.

The CHAIRMAN. No. And also, no by proxy for Senator Simon, no by proxy for Senator Dodd, and no by proxy for Senator Moynihan.

Senator HELMS. I hate to report this, Mr. Chairman, but Senator Evans and Senator Trible likewise vote no by proxy.

The CHAIRMAN. And I would also vote Senator Kerry no by proxy.

On this vote, there are 2 yeas, 12 nays. The amendment is not agreed to. I would suggest the record be kept open until the end of the day for those to be recorded who were not recorded.

And I would recognize Senator Pressler.

Senator PRESSLER. Mr. Chairman, I have several amendments, regarding the NATO forces and U.S. forces in Europe. Let me first ask this question. I am going to offer No. 35 at this point on page 30, but some of the subsequent amendments I will offer are not printed in here. There are slight variations.

What are the rules on that?

The CHAIRMAN. As long as the amendments are available for our perusal, perusal by the members. We would hope they could be submitted 24 hours before, but if they cannot so be it.

What page are you on now?

Senator PRESSLER. Page 30, amendment No. 35. This amendment's purpose is to provide that the proposed treaty shall not be put into effect unless and until the President has certified to the Senate that there is parity in the conventional forces of the

U.S.S.R. and the Warsaw Pact and those of the United States and NATO.

This amendment would add at the end of article XVII of the proposed treaty the following new paragraph:

Notwithstanding any other provision of this treaty, including other provisions of this article, this treaty shall not enter into force until the President of the United States of America, without delegation, shall have certified to the U.S. Senate that in his judgment as Commander in Chief there is parity in the conventional forces of the deployed and reserve conventional forces of the United States and the North Atlantic Treaty Organization and the reserve and deployed conventional forces of the Union of Soviet Socialist Republics and the Warsaw Pact.

In the event such certification is made, the United States of America shall immediately notify the Union of Soviet Socialist Republics of such fact, and this treaty shall enter into force 10 days after such notification or upon the date of exchange of instruments of ratification, whichever shall later occur.

Mr. Chairman, let me say that this business of conventional forces is very serious. I feel that we are giving up our trump card in Europe while the Soviets are keeping their trump card; namely their conventional forces, which exceed ours by a 4-to-1 majority or a 5-to-1 majority.

There have been talks going on for years in Vienna with no progress. The fact of the matter is that for a number of years our policy has been to rely on INF missiles to offset the conventional Soviet advantage in Eastern Europe.

In fact, they are combat ready, much more so than ours, much more so than the NATO forces. But also just in sheer numbers, however you slice it, experts will argue a little bit about whether it is 3-to-1 or 4-to-1 or 5-to-1, but clearly we are at a disadvantage.

I remember very well several years ago when I was a beginning Congressman, in 1975, I believe, when Secretary Rumsfeld, then Secretary of Defense, came to my office and urged me to vote for the installation of these missiles or one stage of them to protect the lives of U.S. servicemen.

The argument was not about the threat to lives from Soviet missiles, but rather the argument was the threat to United States lives from Soviet troops, who outnumbered ours. If they should cross through the Fulda Gap and elsewhere, they would be able to kill a large number of Americans.

That was the argument used for the funding of the very missiles we are talking about. Now we seem to have completely abandoned thatargument and say that our personnel will be safe without these missiles.

So, either that argument was fraudulentor the arguments we are using today are fraudulent.

In addition to that, we have the opinions of such distinguished Americans as Gen. Bernard Rogers, who has pointed out the folly of entering into this treaty without dealing with conventional forces. A few years ago I voted for the Nunn amendment. I have been concerned about conventional forces for a long time.

We are spending too many of our tax dollars there. We seem to have made a commitment to upgrade our conventional forces as the solution, which is going to be very expensive. We seem to have made a pledge to our European allies to improve our conventional forces, although it is a somewhat vague promise. I noticed the vagueness in the testimony.

The first testimony given to this committee, such as the Carlucci report and the original statements, seemed to indicate that the administration was committed to a major buildup in Europe to protect our troops. Indeed, one article that appeared in the New York Times, it indicated that President Reagan had assured our allies that there would be modernization in the conventional area.

There seems to be a deafening silence lately about what we are going to do on this. I would bet that as soon as the treaty goes into effect the military will be up here saying, we have got to spend a massive amount of money to upgrade our conventional forces in Europe.

I do not know whether the American people know that yet. I do not know whether they realize they will be expected to pay for that. I wonder what their reaction will be.

Part of the purpose of this amendment is to illustrate the coming crisis in our conventional forces in Europe.

Now, some would say that this is a killer amendment. It is not. It is an improvement amendment. There have been amendments to treaties before, there will be amendments to treaties in the future.

This particular amendment tries to deal with the very difficult problem of the conventional force imbalance in Europe, with our vulnerability, with the potential cost of upgrading them, and with the whole fact that we are leaving the Russians with their trump card in Europe, which is their conventional forces superiority. That is the way the Russians do business.

Democracies have a very hard time maintaining combat level, combat-ready divisions. So, we are playing the Soviets' game. We have played to their strong suit.

We are playing their game, so to speak. That is why I have offered this amendment. Mr. Chairman, let me say that I have some other amendments that are modifications of this.

I suppose the argument will be used later that this is a killer amendment. It is not intended that way. My intention is to improve the treaty. I believe that the U.S. Senate has the responsibility under our Constitution to improve some of these treaties, and many of our past treaties have been improved.

I fully expect that a major conventional forces amendment will be offered on the Senate floor, perhaps offered by someone else in a different form. This is a subject which we cannot gloss over and we cannot brush aside.

So, Mr. Chairman, with that I offer my amendment.

Senator CRANSTON. Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Cranston.

Senator CRANSTON. This amendment is designed to link the INF Treaty to improvements in the NATO-Warsaw Pact conventional force balance. Conventional arms reductions are an important goal, there is no question about that. The administration, our country, is talking with the Soviet Union in another arena about the need for progress on that front of an asymmetrical nature.

A number of us, including Senator Nunn, were in Moscow about 2 weeks ago and talked with Akhromayev, the chief of staff of the Soviet Union, with Gorbachev, the leader in the Soviet Union, and with others about the need for progress in that front.

They said: "Where is your proposal?" They made a proposal. We have not made a proposal. Senator Nunn responded to Gorbachev by saying: "We have not been used to such innovative thinking in the Soviet Union and we have not been able to respond yet, but we hope to do so soon." So, the ball is in our court on that front.

But obviously, now to suggest that there be no INF Treaty until we have achieved progress on conventional arms would mean no INF Treaty for a long, long time. We and the Soviet Union have been negotiating one on one on the INF Treaty. There are some 22 nations in the Warsaw Pact and in NATO who would be involved in these negotiations, and plainly they would take substantial time.

The fact is the United States consistently resisted Soviet efforts to link agreement on INF to other areas, such as START and the nuclear space talks and chemical warfare. If we now introduce this linkage, they will introduce linkage of particular interest to them, and we will have an extended, divisive debate with them over how to proceed.

Simply postponing the INF Treaty, which is the practical effect of this amendment, would contribute nothing to improving the conventional force balance. If we do not do anything until we get everything, we most probably will end up with nothing.

Senator Pressler stated this is not a killer amendment. It is a killer amendment according to the testimony of Secretary Shultz. Let me read to you from a bit of the testimony that appeared when he was before the committee. Senator Pressler said:

> Mr. Secretary, if the Senate were to attach an amendment to this treaty that would say to the effect that this treaty would not go into effect until an agreement had been reached to bring the conventional forces into line with a 1-to-1 ratio or something of that sort, would you still support the treaty?
> Secretary SHULTZ. No, I would not.

As far as he is concerned, it would kill it.

> Senator PRESSLER. You would not?
> Secretary SHULTZ. No. I think that would be a terrible thing for the Senate to do. That would be an amendment designed to ditch the treaty and I would not support any such amendment.
> Senator PRESSLER. Let us say the Senate passed such an amendment.

Now abbreviated a bit:

> Secretary SHULTZ. I cannot imagine the Senate, with the good sense that it has, passing such an amendment. You could do a lot of dumb things, but nothing that dumb.

Let me read also from Admiral Crowe, Chairman of the Joint Chiefs of Staff. In response to one of the questions, again from Senator Pressler, about making INF contingent on conventional force equality, Crowe responded:

> I think it would hold up the INF Treaty and I think it would be a matter of tremendous complexity to negotiate over a long period of time. These treaties should stand on their own merit, either stand or fall on their own merit.

Then there was a question put to the Air Force Chief of Staff, Gen. Larry D. Welch. I put this question to him in the course of our hearings: "Would it be wise or unwise for us to insist on a 1-to-1 ratio in conventional forces or any other specific ratio, as some have suggested, before implementation or ratification of this treaty."

General Welch responded. "I think it would be unwise. I see no merit to complicating the process or delaying the treaty in hopes of a breakthrough."

Finally, Richard Perle was asked, and I again asked this question, on his opinion about a provision linking INF ratification to 1-on-1 conventional parity between NATO and the Warsaw Pact, and Richard Perle responded: "I think it changes the treaty fundamentally, and for that reason I think the Soviets would probably reject it." So, he too viewed it as a killer amendment.

Senator EVANS. Mr. Chairman.

The CHAIRMAN. Senator Evans.

Senator EVANS. I wonder if I could ask the sponsor a couple of questions. It seems to me in carefully reading the proposal of Senator Pressler, it says: "This treaty shall not enter into force until the President, without delegation, shall have certified to the Senate that there is parity in the conventional forces."

I have several questions, the first of which is: It would not be necessary to conclude a conventional forces agreement, then? You would just have a Presidential certification?

Senator PRESSLER. Probably. It would depend on the circumstances, how the President arrived at this, either through an agreement or if the Soviets were willing to do it through reductions. My hope would be that since we have had the conventional forces agreement talks going on in Vienna for years, that an agreement could be reached very quickly.

All the terms have been debated. We should be able to move very quickly toward an agreement there.

My friend Senator Cranston said that, since 22 nations are involved, that would be complicated. But there are at least that many nations involved in this INF Treaty by the time we consult all of our allies and so forth.

Senator EVANS. I think the major difference is that there are two signatories on one and there are that many signatories on another.

Senator PRESSLER. Well, my amendment does not require a treaty per se.

Let me just finish by saying that we have overlooked the fact that our negotiators have been working on this in Vienna for several years. They have the terms defined. They could move very quickly, and I just think that we have to do something about conventional forces.

To deal with one part of the problem without considering other aspects of it puts us at a great disadvantage.

Senator EVANS. I think we are dealing with a treaty and the wording that we apply to the treaty is extraordinarily important, and I am trying to read the wording that you have provided. It does not require any agreement. It does not even refer to an agreement or even any consultation with anybody.

It just says "the President, without delegation, shall certify." Does that mean the Senator is satisfied that some future President unknown of either party, who may have very different ideas about arms control than the current administration or the current President, he would be satisfied to have that President certify that parity has been reached, under whatever definition of parity that President chooses?

Senator PRESSLER. Well, I have a great deal of confidence that anyone elected President of the United States will, within a general ball park, be very concerned about our national defense. Indeed, I find that some of the current Democratic candidates seem more hawkish than Republican candidates in terms of military policy.

So, I am not fearful that some future President would enter into mischief on this. I think it is a good faith amendment and I would expect a good faith performance by a future President.

We ask the President to certify many things, without knowing with which party he will be identified. So, in this area of national defense, I think we can have a bipartisan approach.

Senator EVANS. I do not know of anything we have asked the President to certify which even remotely approaches the extraordinary importance of this, however. I think they are in different galaxies in terms of importance.

One final question. Could you define, so that that future President would understand if this amendment were to be adopted, what is parity?

Senator PRESSLER. Parity is roughly equality. Let me say that much of the legislation that the Congress passes puts a great deal of confidence in Presidential certifications, whether it is domestic or international trade legislation. Almost always, we place confidence in Presidential certifications or judgments.

In many areas of foreign policy, we have conditioned aid based on a Presidential certification. In Central America, in terms of drug prevention performance, in terms of human rights behavior by countries, we pass legislation which requires based upon Presidential certification.

So, it is not an unusual thing to do. And each President makes judgments, and a future President might make different judgments. We have had debate in this committee and in this Congress in terms of the validity of the drug cooperation certifications which Congress has mandated. So, rightly or wrongly, Congress uses this approach in its relationship with the administration.

In terms of parity, I would hope to move toward a 1-to-1 relationship. In my judgment the balance is now about 3-to-1 or 4-to-1 in the Soviets' favor. But that would be a judgment that would have to be made by the President.

Senator EVANS. I think it is important that the President would be looking for some clue as to what was meant by the Senate in adding an amendment of this nature. When you say 1-to-1, do you mean in numbers, do you mean in quality? Do you mean numbers as modified by quality?

Senator PRESSLER. A combination. In my judgment, it would be a combination, and for purposes of legislative history I think this is good. In my judgment, it would strive for a 1-to-1 ratio. It would be a combination of numbers, equipment, training, and other factors that military experts might bring into consideration.

So, there are a number of factors. The calculation of parity would be based on the same type of judgments that the present administration uses in arriving at the conclusion that there is about a 4-to-1 ratio in favor of the Soviet-Warsaw Pact.

Senator EVANS. Mr. Chairman, with that explanation, I must say that I probably more than most in this body tilt toward executive

liberality, if you will, if that is a good term, at least giving the executive more flexibility to operate than others might want to give him.

But I would just say that this goes far beyond any liberality that I am willing to give to an executive under a treaty such as this and under the importance attached to eventual determinations on conventional arms. I for one would certainly oppose strongly this as being a loose cannon in terms of executive ability unfettered by any congressional restraint whatsoever.

The CHAIRMAN. Thank you.

Senator Sarbanes.

Senator SARBANES. Mr. Chairman, I will be very brief. Currently the Soviets have an advantage in Euromissiles. One of the advantages of this treaty is that it makes asymmetrical reductions—that is, the Soviets will stand down greater capabilities than will the United States—therefore eliminating the Soviet advantage in Euromissiles.

Now, whatever the situation may be with respect to conventional weapons, it escapes my understanding why sustaining a position of inequality in Euromissilesf would serve any of our purposes. In other words, you are asserting that there is an inequality in conventional weaponry. There is also an inequality in Euromissiles. This treaty will eliminate the latter inequality, to our advantage.

And therefore, it seems to me we want to put this treaty into place. We will be that much better off. Now, we may then have to address the problem of conventional weaponry. But to tie the two issues together as this amendment would do, and therefore to lose an opportunity at least to straighten out the disadvantage with respect to Euromissiles, does not seem to me to serve our interests.

Senator PRESSLER. Well, let me respond to that if I may. I believe strongly that once this treaty is signed, that then we have lost our bargaining card, we have lost our trump card. They still hold theirs. They are not going to negotiate for a reduction in conventional forces unless it is linked to this.

It is sort of like two people negotiating or playing cards, one side giving up all of its trump cards for other cards and the other side keeping its. I guarantee you that once this is signed the Soviets are not going to be interested in negotiating conventional forces, because that is where they have their superiority, that is where they have their immense advantage.

And they are keeping that advantage. We are giving ours up.

Senator SARBANES. How is a 4-to-1 disadvantage in Euromissiles a trump card for us?

Senator PRESSLER. I would not necessarily agree with that. I do not think that this treaty is giving us the advantage that you say it is.

Senator SARBANES. How many missiles and launchers will the Soviets stand down as a consequence of this treaty, Mr. Ambassador?

Ambassador GLITMAN. I am trying to remember the exact number in the MOU. I would have to look it up. But you are quite right, the ratio is approximately 4-to-1. We can check it out very quickly and get the exact number.

It is 608 longer range missiles deployed and nondeployed and 237 shorter range ones; for our side, 282 longer range and 1 deployed, 1 launcher, for the shorter range.

Senator SARBANES. So, there is a clear imbalance and the Soviets have an advantage now, and they are going to lose that under this treaty.

Senator PRESSLER. I would not agree with that.

Senator SARBANES. It seems to me that holding onto the short position is not a trump card, and therefore we need to put this treaty into effect. Then we need to address the conventional problem as well.

But to insist on perpetuating a disadvantage in the area of Euromissiles, it seems to me, does not serve our interests.

Ambassador GLITMAN. Senator, if I may, I read out the launchers. Let me get the correct number. Aggregate number of deployed and nondeployed numbers, United States of America, 689; Soviet Union, 826. Aggregate number of deployed and nondeployed shorter range—the former was the longer range—United States of America, 170, of which the entire group is in storage; the Soviet Union, 926.

That number does not take account of the fact that a large number of the Soviet missiles are three warheads, so that the total number of Soviet warheads which will not be able to reach their targets will be greater.

Senator PRESSLER. Again, we are into numbers versus quality versus warheads and workability, mobility, and lots of things. You can argue this at great length other than just numbers. But the fact is, I do not agree with your conclusion on this.

Let me ask you this. What is your judgment of the balance of conventional forces? What kind of advantage do you think the Soviets are keeping?

Senator SARBANES. I think it is very difficult to judge, since the forces perform different functions, and you cannot simply count a particular weapons system and argue that you have to have an equal number of that system, because you need to factor in what the purpose of the system is and how you would use it.

That is one of the great mistakes that is made in terms of comparing forces: Equating them on a 1-for-1 basis, which I thought perhaps you had done earlier in responding to Senator Evans.

But my position is that, regardless of the situation on the conventional front—and I am prepared to accept an argument that things need to be done in that area from the Western point of view—it does not make any sense to continue to perpetuate an inequality with respect to Euromissiles, to which every one of our military people who testified here testified to here attested.

Senator PRESSLER. Would my friend support a later amendment I might offer which would be to the resolution of ratification, which would perhaps not be this stringent?

Senator SARBANES. No. My position is that we have a chance to remove this asymmetry in Euromissiles, and we ought to take advantage of that opportunity. Then we can address the other issues that exist with respect to conventional or chemical or strategic weapons.

But to link them and delay them, without at least addressing the Euromissile imbalance, it seems to me is not helping our own interests.

Senator PRESSLER. I respect very much what my friend says. And let me respond to one thing that my good friend from California said. I noted that Secretary Shultz very carefully never said he would not support a treaty with such an amendment.

Senator CRANSTON. He did say he would not support it.

Senator PRESSLER. But if you go back and read that first part again, he said he thought it would be foolish to add it, he did not think the Senate would do anything like that. But he never said he would not support the treaty.

Senator CRANSTON. I will get the transcript and read it to you again.

The CHAIRMAN. Senator Cranston.

Senator CRANSTON. Senator Pressler, you stated: "If we put this kind of amendment on, would you still support the treaty?"

Secretary SHULTZ. No, I would not.

It was a very flat answer.

Senator PRESSLER. You would not?

You were surprised.

Secretary SHULTZ. No. I think that would be a terrible thing for the Senate to do.

And so on.

I want to differ with you on one thing. You said a bit ago that you could give an absolute guarantee that if we do not adopt this and deal with conventional, that we will never get to deal with conventional.

I think it is impossible to give a guarantee about what the Soviet Union will do or not do under the new circumstances, where they are doing a lot of new thinking there and new acting. But I think there are two reasons why they might and I think are very interested in a conventional adjustment:

First, if we can achieve a situation where we know we have a greater balance and where that is achieved by asymmetrical changes and where there is a move from the Soviet present offensive military doctrine to a defensive military doctrine, which they are now exploring, the nuclear threshold would be obviously raised. And it is in the interest of the Soviet Union and in the interest of all people everywhere to reduce the danger that either side will resort to nuclear arms.

There is absolutely, I think, no chance that NATO will ever agree to go into a no-first-use doctrine, if they ever do, as long as there is a perceived advantage on the part of the Soviet Union in conventional arms. I think the Soviets for that reason first would have an interest in adjusting conventional matters.

Second, it appears that the Soviet Union needs to reduce military costs if they are going to deal with perestroika, with the restructuring of their economy. And the only way there can be a significant reduction in military costs to the Soviet Union, as well as to us, is if there is a downward adjustment of what we each are spending on conventional forces.

The fact is we spend more than they at the present time, when you take into account NATO and the United States versus the Warsaw Pact and Moscow. But they seem to be spending their money better. But nonetheless, they are spending all too much for the sake of their economy, as we are spending all too much for the sake of our economy. So, they have two reasons.

Finally, Gorbachev has stressed, Yazov has stressed, Akhromayev has stressed, others in the Soviet leadership have expressed, their desire to deal with the conventional arms situation with asymmetrical adjustments and so forth. Now, I grant that statements are one thing and actions are another. But there are a number of instances where the Soviet Union in the past 3 years since Gorbachev's arrival has made statements and then taken actions consistent with those statements.

So, I think we have to find out how far we can go with them on that point.

Senator PRESSLER. Let me respond first to your quote from Secretary Shultz. On another occasion he was asked whether they would support any Senate amendments or changes in this treaty. The official position of the administration is that they would have to look at those changes.

And in that particular instance, whether he was responding for himself or for the administration—but that is the position that the administration has taken. And I would dare say that if the Senate does attach an amendment or some other conditions—and I think that the Senate will—the administration will still support the treaty.

Senator SARBANES. Mr. Chairman, in all fairness to Senator Cranston on this point, because I think it is important to keep the record clear, I am going to quote the transcript of my colleague from South Dakota's exchange with Secretary Shultz on his position. It is simply not accurate to state that his position was not as put by Senator Cranston.

Here is the exchange:

"Senator PRESSLER. Mr. Secretary, if the Senate were to attach an amendment to this treaty that would say this treaty would not go into effect until an agreement had been reached to bring the conventional forces into line with a 1-to-1 ratio or something of that sort, would you still support the treaty?

Secretary SHULTZ. No, I would not.

Senator PRESSLER. You would not?

Secretary SHULTZ. No. I think that would be a terrible thing for the Senate to do. That would be an amendment designed to ditch the treaty, and I would not support any such amendment."

Senator PRESSLER. He would not support any such amendment.

Senator SARBANES [continuing to read]:

Senator PRESSLER. You would not support the amendment? Let us say the Senate passed such an amendment.

Secretary SHULTZ. I cannot imagine the Senate, with the good sense that it has, passing such an amendment.

Senator PRESSLER. Let us just imagine that the Senate did.

Secretary SHULTZ. I cannot imagine it. I do not have the capacity to imagine it.

Senator PRESSLER. Well, if you really stretch your imagination.

Secretary SHULTZ. You could do a lot of dumb things but nothing that dumb.

Senator PRESSLER. In any event, you would withdraw your support for the treaty if it had an amendment regarding conventional arms?

Secretary SHULTZ. I think that an amendment of that kind would be a vote to, in effect, nullify the treaty. So, we would have to go back and fight again to get the amendment out so that the treaty could be operative.

Senator PRESSLER. Mr. Chairman, I have concluded my questions. I have some additional questions on verification for the record.

I mean, the Senator can assert his position, but this makes it very clear what Secretary Shultz' position was, which was being put in some question here.

Senator PRESSLER. That is correct. But the administration has emphasized that it will look at any changes that the Senate may make in the treaty before making a final decision.

That is the point I'm trying to make.

Senator CRANSTON. Mr. Chairman.

The CHAIRMAN. Senator Cranston.

Senator CRANSTON. Let me quote another Secretary, Secretary Carlucci, to whom the Senator referred a bit ago.

He stated before our committee on February 1, "To tie it"—the INF Treaty—"in some way to these extraordinarily complex, albeit desirable, conventional negotiations would, in my judgment, be a 'killer amendment' and would result in the adverse impact on our NATO allies that Senator Lugar has already described."

The CHAIRMAN. I wonder if we might vote on this.

Senator PRESSLER. All right.

The CHAIRMAN. All right.

The clerk will call the roll.

Ms. ALLEM. Mr. Biden.

[No response.]

Ms. ALLEM. Mr. Sarbanes.

Senator SARBANES. No.

Ms. ALLEM. Mr. Cranston.

Senator CRANSTON. No.

Ms. ALLEM. Mr. Dodd.

The CHAIRMAN. No, by proxy.

Ms. ALLEM. Mr. Kerry.

Senator KERRY. No.

Ms. ALLEM. Mr. Simon.

The CHAIRMAN. No, by proxy.

Ms. ALLEM. Mr. Sanford.

The CHAIRMAN. No, by proxy.

Ms. ALLEM. Mr. Adams.

The CHAIRMAN. No, by proxy.

Ms. ALLEM. Mr. Moynihan.

The CHAIRMAN. No, by proxy.

Ms. ALLEM. Mr. Helms.

Senator HELMS. Aye.

Ms. ALLEM. Mr. Lugar.

Senator LUGAR. No.

Ms. ALLEM. Mrs. Kassebaum.

Senator KASSEBAUM. No.

Ms. ALLEM. Mr. Boschwitz.

Senator HELMS. No, by proxy.

Ms. ALLEM. Mr. Pressler.

Senator PRESSLER. Aye.

Ms. ALLEM. Mr. Murkowski.

[No response.]

Ms. ALLEM. Mr. Trible.

Senator HELMS. No, by proxy.

Ms. ALLEM. Mr. Evans.

Senator EVANS. No.

Ms. ALLEM. Mr. McConnell.

Senator MCCONNELL. No.

Ms. ALLEM. Mr. Chairman.

The CHAIRMAN. No.

On this vote, there are 2 yeas and 15 nays. The amendment is not agreed to.

I would suggest the record be kept open for anybody who wishes to be recorded.

Now I would ask if the ranking member would like to present one of his amendments.

What is your pleasure?

Senator HELMS. I will defer to Senator Pressler.

Senator PRESSLER. I shall have some variations to this amendment later, but not at this time.

We are working on some variations.

The CHAIRMAN. Do you have any other amendment you would like considered now?

Senator PRESSLER. Not at this moment.

The CHAIRMAN. OK.

Then we come back to you, Senator Helms.

Senator HELMS. Under the UC that I would offer no more than four amendments, this is one of the four. It is an unprinted amendment, and I would ask staff to pass out copies, please.

This amendment is not on your spread sheet.

Mr. Chairman, this amendment is directly related to the problem of the Iraqi Soviet-made ballistic missiles and attempts to solve an even more dangerous development in the Middle East involving INF forces.

In this case, the amendment deals with the incredible decision reached by Saudi Arabia to acquire intermediate-range ballistic missiles from Communist China.

Now, procedurally, I could, of course, offer this amendment as a second-degree amendment to the next proposal in the markup documents, but it seems to me that it would be worthwhile to go ahead and discuss the amendments now, since it does relate to the Scud B topic.

If Senators don't want to vote on the amendment today, I would understand that and would be willing to defer a vote until there is an ample time to study the proposal. But that might not be necessary because, actually, the amendment is fairly straightforward and I think, I certainly hope, it is readily understandable.

In any case, what it would do is this.

It makes clear that the United States would be able to supply nonnuclear intermediate-range missile technical assistance to the State of Israel to allow Israel, if necessary, to develop, produce, and deploy its own intermediate-range missiles so long as INF missile systems, like the CSS–2 in Saudi Arabia, and the Scud B in Iraq can be fired at Israel with conventional, chemical, or possibly nuclear warheads.

Now, it seems to me that without the amendment, article XIV of the treaty would undoubtedly prevent us from doing that, and, after all, Mr. Chairman, Saudi Arabia and Iraq are formally at war with Israel, and the historical record of the last several decades shows the outbreak of actual war against Israel is not at all what you would call a "remote possibility."

Additionally, an underlying purpose of the amendment is to encourage the removal, the removal, of INF-type forces from Saudi Arabia and Iraq and, quite frankly, to puncture the balloon inflated down in Foggy Bottom with the hot air that this treaty establishes a global zero for INF forces.

A quick glance at the newspapers of the past few days shows how absurd that proposition, as stated from the State Department, actually is.

For example, there was an article in the New York Times on Saturday, March 19, entitled, "Spread of Ballistic Missiles Troubles the United States," written by John H. Cushman, Jr. It appeared on page 3 of the international section of the Times of Saturday, March 19.

The dateline was Washington, March 18. It says:

> A newly disclosed purchase of Chinese medium-range missiles by Saudi Arabia is the latest example of a troubling proliferation of ballistic missiles among the world's lesser military powers, government officials, and military analysts said today. The State Department said on Thursday that China had sold Saudi Arabia an unspecified number of missiles capable of reaching nearly any part of the Middle East. Both China and Saudi Arabia have assured the United States that the Arab nation has no nuclear weapons like those typically mounted on missiles of the same class that are deployed in China. The missiles, called CSS-2's, are reported to have a range of 1,700 to 2,200 miles, and would be among the longest range missiles ever exported from one nation to another. Their range far exceeds that of any missile previously deployed by a Middle East nation.

I might add that the 2,200 miles referred to figures out to be about 3,500 kilometers.

Isn't that right, Mr. Ambassador?

Now, there was a similar story in the Washington Times of March 21, which read as follows, and it was written by Bill Gertz:

> The first shipment of Chinese intermediate-range ballistic missiles left China in January for Saudi Arabia and may become operational within a month, according to U.S. intelligence officials. The officials, who declined to be named * * *

And that is the understatement of the week—

> Said the shipment contained the first of several CSS-2 RPM's purchased by the Saudis that were concealed with desert camouflage netting.

Finally, and I feel like I an impinging on the time of the committee, but I want to make this a matter of record, it is not exactly a constant thing for me to quote the Washington Post, but I am do so anyway.

Senator SARBANES. Any port in a storm, Jesse.

[Laughter.]

Senator HELMS. This was in the March 21 editorial in the Washington Post. The head on it is "Missile proliferation." Now, it says:

> Saudi Arabia's decision to buy Chinese missiles is another long step in a dangerous arms race. These missiles are formidable weapons. Their range is understood here to be at least 1,000 miles, which would cover all of the Middle East, and it might be as much as twice that.

They are described as capable of carrying nuclear warheads. As long as they are in the present Saudi regime's hands, that is not the chief grounds of concern. Saudi Arabia does not seem interested in acquiring nuclear weapons.

But this incident is another demonstration of the growing arms trade in the Third World and of the increasingly powerful and sophisticated weapons being manufactured and sold by countries not generally described as industrialized. It is getting harder to work out an effective worldwide arms control regime.

Among the advanced industrial countries, there is good cooperation in cutting off arms sales to Iran, but a growing number of countries in Latin America, Asia, and the Middle East now have flourishing industries producing arms for export.

The Saudis have for some time been buying tanks, for example, from Brazil. As for the Chinese, they are providing more to Iran than the much-advertised Silkworm missiles. They have become Iran's chief supplier of arms and ammunition, selling at roughly half of the military hardware that it imports to keep its war with Iraq going.

When Saudi Arabia buys weapons from the United States, there are strict agreements regarding their use and especially their resale. Weapons from China appear to carry no conditions. The Saudis, watching Iran and Iraq pound each other's cities, presumably want the Chinese missiles to stand as a warning that they can hit back.

They themselves may be unlikely to use these missiles, but it is at least conceivable that they could eventually transfer them to another government with fewer inhibitions.

China's intentions as an arms dealer are even more obscure. What if China were to sell these missiles to its friend Pakistan? Pakistan, unlike Saudi Arabia, is determined to have nuclear weapons, and it is now far along in the process of building them.

With a 2,000-mile missile, Pakistan could deliver a missile anywhere from Thailand to the Mediterranean, not to speak of India, its nuclear-capable rival next door. The proliferation of nuclear weapons is one of the world's greatest concerns. The proliferation of powerful missiles is beginning to require similar attention. The need for restraint is not limited to the superpowers.

So, Mr. Chairman, this is a real issue that I think we ought to address in the context of this treaty, because if we do not we are simply pulling ourselves and our allies out of a ball game while many other countries of the world are moving vigorously onto the playing field.

Here again, it is very regrettable that we do not have the Armed Services Committee report because I am confident it is going to deal with this subject, and not frivolously so, as the inclination so often is here.

We have decided to proceed anyway in this case. It seems to me to be so clear cut that it seems to me we can probably go ahead with a vote today. Before we do that—and I apologize for my hoarseness—news reports, Mr. Ambassador, indicate that the missile the Saudis are to receive, and I am talking about the CSS–2; are these news reports correct?

Ambassador GLITMAN. I have seen the news reports, Senator. I have not seen any confirmation.

If I may just add that, of course, the Ambassador deals only with United States and Soviet missiles, so that British, French, and Chinese missiles are excluded from the treaty, something that we sought very hard to achieve.

If I may go on, I would be glad to deal with the specific part of the amendment. The treaty prohibits us from producing or transferring a missile, a missile stage, or a launcher for a treaty-limited GLCM or GLBM. It does not prohibit the production or transfer of lesser components, technology, or blueprints.

The United States rejected Soviet proposals for such prohibitions. In any event, each such case would have to be dealt with on a case-

by-case basis, taking into account the obligation to comply in good faith with the treaty. And I believe we may have discussed before the point that, of course, if either party were to attempt in the future to avoid these prohibitions by transferring to an ally all the components needed to assemble a missile prohibited by the treaty, that obviously would be a violation of the obligation to comply in good faith with the treaty.

Senator HELMS. Now, you say you do not know anything about the CSS-2 being deployed by the Chinese?

Ambassador GLITMAN. I have read the same article that you read to us, Senator.

Senator HELMS. But you do not know anything? You have not—nobody filled you in on any administration—you do not know a syllable except what you read in the New York Times and the Washington Post or whatever?

Ambassador GLITMAN. That is correct.

Senator HELMS. Well, notwithstanding that, what is the missile's range?

Ambassador GLITMAN. I am not familiar with the range of that missile. But I would only repeat that that missile, even if it were INF range, would not be covered by the treaty because we did not wish to cover third-country systems. That means China, Britain, and France, to name three nuclear powers that have nuclear missiles. China and France both have missiles within the INF range which are excluded from the treaty. They are not covered.

Senator HELMS. I do not know if that is going to be comfortable to Israel, but I will let them speak for themselves.

Is the range stated, the 3,530 kilometers, is that sufficient to hit Israel?

Ambassador GLITMAN. I understand that it is 3,300 kilometers, and that would be sufficient to reach the state of Israel from Saudi Arabia.

Senator HELMS. Maybe the General could help you out a little bit.

Now, the 3,520 kilometers or whatever it is, how does that range compare to that of the best missile that Israel has?

Ambassador GLITMAN. I do not know the answer to that question, Senator. I can find out for you.

Senator HELMS. Are you familiar with the Jericho missile?

Ambassador GLITMAN. I have heard the name. I do not know the range of that missile, Senator.

Senator HELMS. General, do you?

General PARTLOW. I do not, sir.

Senator HELMS. Well, we have not had any curiosity about these reports? Check with your associates at the Defense Department. You do not know anything about this except what you read in the paper?

Ambassador GLITMAN. Senator, that particular missile is not impacted by this missile.

Senator HELMS. I understand that, but that is the question I am raising. Maybe this, just maybe, that is a flaw in this treaty, that questions like this are not raised.

You know, omission flaws are just as bad as commission flaws. And I raise this question. I am not the only one. I may be the only

one here, but you jolly well better assume that some other Senators on other committees are concerned about it and they are raising questions.

And I have to ask you again, no other Senator has talked with you about this, no other committee?

Ambassador GLITMAN. I am talking about the problem of the Chinese missiles in Saudi Arabia. No, sir. No, sir, I have not had that question raised until this afternoon by you, Senator.

Senator SARBANES. Would the Senator yield for a question? Was not the question, though, of third country missiles a matter that was raised in the negotiations at an earlier point? Did not the Soviets seek to capture at one point the British and French systems, which was something we had to resist?

Ambassador GLITMAN. That is absolutely correct, and we resisted that very tenaciously and we succeeded in keeping those British and French systems out.

Senator CRANSTON. So, the very point that Senator Helms is addressing, that this does not cover the third country missiles, is something we fought very hard not to have covered by this treaty, because we wanted to leave the British and the French free to proceed if those chose to do so. And they can under this treaty; is that correct?

Ambassador GLITMAN. That is correct.

Senator CRANSTON. If I may say this about this amendment, as a strong friend of Israel, as are all members of this committee, I intend to oppose this amendment. The Senator from North Carolina has already brought up South Africa, the Panama Canal, the Iran-Iraq war. We should have known we would end up debating the West Bank.

There is nothing in this treaty that bars technical military cooperation with Israel, other than a bar on transferring Pershing II's or GLCM's whole and intact to any country. Article XIV says we cannot send a whole intact treaty.

We could in fact supply it part by part, so long as we were not sending what are called stages. This amendment would compel renegotiation with the Soviet Union. They would of course match this demand from us with a like demand for their friends.

This would not increase Israel's security. It would decrease it. The Soviets presumably would respond in kind and want permission to deal with their Arab friends in the Middle East in a like manner. We would have an escalated arms race in the Middle East potentially, with new costs and new dangers for all those in the Middle East.

Alternatively, the Soviets could demand this right specifically for Cuba, and I presume that is not something that the Senator from North Carolina would want, and it is certainly not something I would want.

And for those reasons, I think this amendment should be defeated.

Senator EVANS. Mr. Chairman.

The CHAIRMAN. Senator Evans.

Senator EVANS. Mr. Chairman, first, I think in an amendment like this or in what is happening in Saudi Arabia and their desire to acquire missiles from China, in some respects I fear we are reap-

ing the whirlwind of our all too quick decision a couple of years ago to abandon any arms relationships with Saudi Arabia.

We pushed them in other directions. They obviously have the money and the wherewithal to buy weapons. I believed firmly then and do now that we would have had much better opportunity to consult with and probably keep the Saudis from buying missiles like this if we had continued some kind of a military relationship with the Saudis.

That is past. We cannot do anything about it, and that is just my own feeling as to what I believe was an error several years ago.

Second, the Saudis may not have and may declare that they do not want to have nuclear warheads. I do not think there is much question that Israel does, and that the building of a missile system from Israel would create a nuclear, potentially a nuclear state with a very large perimeter of potential nuclear attack.

But most importantly, Mr. Chairman, it seems to me there is a hole big enough to drive 1,000 trucks through by saying in this proposal that, notwithstanding the provisions of article XIV or any other article of this treaty, the parties understand and agree that we can provide the state of Israel with any—well, we say nonnuclear—technical assistance of whatever nature necessary for the state of Israel to develop missiles of the type to be eliminated by this treaty.

I presume under that language that technical assistance would be those things to allow them to design and build what might be an even more sophisticated intermediate-range missile than we possess today, because it would be the one way we could continue to use whatever technical capacity we had, to work closely with Israel to build a new and sophisticated intermediate-range weapon.

I would assume that technical assistance, of whatever nature necessary, would include close association in the flight testing of missiles right directly in the range that we are now prohibiting under this treaty. I cannot think of anything under the wording that is proposed here that would open any wider a complete ignoring of the treaty on our part than future relationships with Israel in the development of that kind of weapon.

And I think it is a horrible amendment.

Senator DODD. Will my colleague yield? It is an interesting point you raise and maybe the Ambassador could respond as well.

As I understand it, there is nothing in this treaty that would prohibit the United States from providing technical assistance that would fall within the general categories of this treaty to any country. Am I correct in that?

Ambassador GLITMAN. As I said, it does not prohibit the production or transfer of any lesser components, technology or blueprints.

Senator DODD. I do not want to take this to the absurd, but if you specifically mention in this treaty that Israel can get this, could it not be concluded by some that we were going to preclude, by mentioning one country, that it could be argued that we were de facto excluding others?

Senator SARBANES. Absolutely. You are shooting yourself in the head.

We have succeeded in protecting the French and English position, but this would place a big question mark over it. It raises the

question of what the Ambassador has just quoted can, in fact, be done without comparable language.

Senator DODD. But the Soviets would argue that the fact that we did not mention the British and the French, they were excluded by reference here because you only mentioned one country.

Ambassador GLITMAN. I think it is clear that this amendment would provide a right only for the United States, and it does not take too much imagination to assume that the Soviet Union, confronted with such an amendment, would either say "No" or say: "Well, that is fine; now we will make some changes to suit us."

We could not expect an amendment which only benefits one side in the negotiation to go through.

Senator SARBANES. Well, why should we let them make the argument that if we did this specifically, that therefore we could not provide it to the French and the British or anyone else that was not specified in this amendment?

Ambassador GLITMAN. Well, I agree, and I made this other point just to deal with that. But I do feel and believe that we have got article XIV the way we want it. I have read out twice now how we believe that works, and I think that the record of the negotiations, including the written exchange of documents, more than just what we said to one another, substantiates that.

And when we do something to call that—to suggest that we did not get that, that we have to have additional language, we called into question what we have got. And I appreciate the support that we did get for the kind of outcome that would permit us to do what I read out that says we can do.

Senator HELMS. Mr. Chairman.

The CHAIRMAN. Senator Helms.

Senator HELMS. Now, obviously I have accomplished what I set out to do. I wanted to focus your attention on article XIV.

Now I will ask you again: Everything you are saying is to be considered authoritative; is that right?

Ambassador GLITMAN. That is correct, Senator. And I think you have some of this in writing from us.

Senator HELMS. Now, is it your understanding, sir, that article XIV will not prohibit the United States from providing this assistance specifically in this amendment to Israel?

Ambassador GLITMAN. Let me just stick with—you want me to be authoritative and I want to give you an authoritative answer, so that it is not Israel or any other.

Senator HELMS. We will get to the other countries in just a moment. You just talk about Israel if you would.

Ambassador GLITMAN. It does not prohibit the production or transfer of lesser components, that is to say components lesser than missile stages or missiles or launchers, technology or blueprints.

The Soviet Union proposed that and we rejected that. In any event, each such case would have to be dealt with on a case-by-case basis, taking into account the obligation to comply in good faith with the treaty.

Senator HELMS. Well now, the reason I used Israel for the purposes of this amendment, Chris, was because the U.K. is not in the Middle East. I wanted to focus his attention so that I could have

this authoritative declaration about what article XIV does and does not do.

Now, the point I am making, Mr. Ambassador—and I am not being adversarial to you. But the language of article XIV as it presently stands is ambiguous and it is confusing, and I am going to tell you why in just a minute. The very fact that so many questions have been raised about it in the hearings of this committee and in the Armed Services Committee and by other Senators indicates that it still means different things to different people.

And I think you admit that. When you testified before this committee on March 17, you read a long statement in which you intended to clarify. You maintained at that time that article XIV is a noncircumvention clause. In fact, you said that article XIV was merely "a restatement of international law."

Am I quoting you correctly?

Ambassador GLITMAN. Perhaps you misspoke in a sense, Senator. I maintained it was not a noncircumvention clause. I am sure that is what you meant to say. You left out the word "non."

Senator HELMS. Well, let the record show that he said, Ambassador Glitman said, on March 17th—insert the word "not," because he said "It is not a noncircumvention clause."

Now, if article XIV merely restates existing international law, then what is the purpose in having it, unless the Soviets are preparing not to abide by the rules of the treaty? If anything, the Soviet record on other treaties should present a warning to us that the Soviets do not care much for treaty obligations.

And frankly, I was not comforted by Minister Shevardnadze's statement before a committee of the Supreme Soviet back in February. The first reason that I was not comforted was that I do not understand what he said, and the second reason is that what he said, even if you try to understand it, does not make much sense.

Now, your explanation of the term "undertakings," and that is what we are talking about—so often we get hung up, and properly so, because one word can make a lot of difference, like my leaving out the "not" inadvertently in your statement.

If to the Soviets the term "undertaking" means an act of Congress or something like the Helsinki Final Act, which was actually a communique, then we still are not protected from the Soviets raising a storm over American actions or activities in relation to its NATO allies some time in the future.

That is what is bugging me and that is what is bugging a lot of folks on the Armed Services Committee. Now, I offered this amendment primarily to get you on the record one more time, and I assume that you would have no objection, because you would not have to take it back to the Soviets. Suppose we just made this a declaration or an understanding. You would not have to go.

That would not be a killer amendment because it would not be an amendment. Therefore it could not be a killer, could it?

Ambassador GLITMAN. It would not be a killer, sir. But I believe that such a resolution or understanding would call into question whether we did or did not achieve what we sought out to achieve in connection with article XIV. I believe we did get a noncircumvention—I am sorry, it is not a noncircumvention clause.

It is a restatement of international law. It does not prohibit us from continuing to work with our NATO allies, provided we do not get into the treaty-limited area. That was our aim and the record of the negotiation clearly shows that.

I do not want to go through it again, Senator. You have seen the testimony and I think those of you who have seen the record of the negotiations can see exactly what they asked for and exactly what they ended up with. And a comparison of those two things I think clearly supports our view.

Senator HELMS. Well, this matter will be revisited several times before this treaty is ratified, I reckon. But the word "undertakings," the definition of that bothers me.

Senator EVANS. Mr. Chairman, I wonder if I could ask, and I do not know if you are going on to another subject, but if I could ask the Ambassador first, when we say in the proposal, like, well first, as I understood what you have said, under the treaty it is not appropriate or not legal to ship entire missiles to other nations.

Ambassador GLITMAN. That is correct.

Senator EVANS. Pieces yes, but not entire missiles. And presumable if there were five pieces to a missile and you shipped one by one all five pieces, that would be not acting in good faith. Is that essentially correct?

Ambassador GLITMAN. That is correct. And I would say that we should use the word, it is very clear, no missiles, no stages of missiles, and no launchers. Those are out.

Components, technology, blueprints are possible. But if you put all the components together at the point that you would effectively ship the missile, then you are really not complying, one would not be complying in good faith.

Senator EVANS. That is the treaty as it now sits.

Ambassador GLITMAN. That is correct.

Senator EVANS. With this amendment on the treaty, where it says, notwithstanding the provisions of this article, article XIV or any other article of the treaty, the parties understand and agree that we could provide Israel or presumably insert any other nation in there, with any nonnuclear technical assistance of whatever nature necessary.

Could you not conclude that technical assistance of whatever nature necessary, just ignoring all of the other provisions of the treaty, would include shipping an entire missile, its blueprints and everything else, as sort of a sample, as technical assistance to give them easiest and best opportunity to create their own missiles and get a copy of that? Would that be possible?

Ambassador GLITMAN. It would certainly give that impression.

On the one hand it would give the impression that you are going to do more than you really are permitted to do. And on the other hand, it calls into question whether you could do what you are permitted to do.

Senator EVANS. But it seems to me, at least in reading the wording, that when you say notwithstanding any other provision of the treaty, you can do these things.

And certainly it gives to this Senator, at least, a feeling that you are opening up to this particular nation in this case something that

would not be allowed under the treaty as it is now written. Otherwise there would be no reason for the amendment.

Ambassador GLITMAN. Indeed, one could conclude from this that we would have the right, for example, to continue production of the missile, which is of course prohibited under the treaty.

Senator EVANS. Or would it not also be possible under this to sort of turn your whole research and development and technical, and maybe even production assistance, to a friendly nation, like Israel.

And simply accomplish all that you would want to accomplish in this country, but just put an Israeli cap on it?

Ambassador GLITMAN. If that were interpreted as broadly as you are suggesting, one would have to come to that conclusion.

Senator EVANS. Would you conclude that technical assistance of whatever nature necessary would also include the potential, once you put all of these missiles together, the flight testing of them at ranges between 500 and 5,000 kilometers?

Ambassador GLITMAN. Well, I am tempted to ask the author whether that was the intent.

Senator EVANS. I do not know what the intent is.

Ambassador GLITMAN. The wording could lead one to that conclusion.

Senator EVANS. Would that be the intent of the sponsor of the amendment?

Senator HELMS. To tell you the truth, Senator, my eyes glazed over. What did you say? [Laughter.]

Senator EVANS. Would it be the intent of the sponsor of the amendment by the wording that he has chosen here to allow the shipment of all pieces of a missile, blueprints, and whatever other sophisticated new devices we might design, to Israel, and allow those missiles to be flight tested at intermediate ranges, which are prohibited by the treaty?

And whether it is the intent or not, do you believe that that could be accomplished under the wording of the amendment as you produced it?

Senator HELMS. Well, I do not know how the language could be any clearer than it is. It is to provide the state of Israel with any nonnuclear technical assistance of whatever nature necessary.

Senator EVANS. The answer then would be "Yes," I presume.

Senator HELMS. By the way, before I forget it, one thing I need is something I asked for the other day when you were here, and I know you are busy, and I am not complaining.

But you indicated that you were going to provide me and probably the committee with a compilation of the statements by Soviet officials with regard to article XIV. Do you remember that?

Ambassador GLITMAN. Yes. We have that. And I might add, Senator, in looking through it, there were, the statement that I read out by Mr. Shevardnadze, with which you are familiar; namely that is the one where he said the treaty provides no guarantee against NATO modernization, and I am paraphrasing what you referred to as a rather confused statement.

There are comments by Mr. Varontsov in which he says that any modernization would be blasphemous. And there is a comment that

I had not seen before by Mr. Korneyenko, which refers to article XIV, and says it might be an obstacle, or could be an obstacle.

Senator HELMS. But you do have that information ready?

Ambassador GLITMAN. I do.

Senator HELMS. And I also asked you at the same time, and you agreed to send it, a report on the modernization efforts of the United States and our NATO allies. And I presume you have got that.

And I am not rushing you. But——

Ambassador GLITMAN. I am not sure I remember the latter one, Senator.

Senator HELMS. Well, we will file that in writing with you.

Ambassador GLITMAN. Please do.

Senator HELMS. Mr. Chairman, because of my hoarseness, I apologize. I would like to see these statements. I am going to ask you to lay aside temporarily this amendment, and let me consider maybe one modification and maybe we could have a vote on it tomorrow.

The CHAIRMAN. It is the request of the ranking member that we lay aside his amendment and move on to the next one.

Senator HELMS. Now, I believe, counting the one that was voted down, and counting the one we just laid aside, this would be three of the four amendments we talked about.

The CHAIRMAN. Senator Pressler is here.

Senator HELMS. Do you have another amendment to call up?

Senator PRESSLER. Not right now. But I do have three more.

Senator HELMS. This is an unprinted amendment, and I would ask staff to pass out copies to Senators, and also maybe the Ambassador would be interested in one.

Of course, Mr. Chairman and Mr. Ambassador and my fellow Senators, this unprinted amendment has to do with a matter that is very much on the minds of a lot of Senators.

Yesterday Senators Nunn and Warner testified before our committee and they were talking about Mr. Culvahouse's letter. Are you familiar with that?

Ambassador GLITMAN. Yes, Senator, I am.

Senator HELMS. You are familiar with the Culvahouse letter?

Ambassador GLITMAN. Yes, Senator I am.

Senator HELMS. And Senator Nunn was asked if you find any fault with that.

And Senator Nunn said, there are really two questions here. I have no fault with Mr. Culvahouse's taking issue with the Biden amendment. Supposedly Senator Lugar made a legitimate inquiry about how the administration viewed the Biden amendment.

And then Senator Nunn said, "I may or may not agree with the Biden amendment. In the final analysis I think we should continue to work on it, and perhaps we could work out something on a bipartisan nature. I am not trying to resolve the ABM dispute at all.

And in this, and then later on in the questions and answers, Senator Nunn said, I can assure this committee that I am not attempting to readdress at this stage, in this forum, in this treaty, the whole ABM question. I think that is a question that we can argue about from now on.

So, that leads to the pending unprinted amendment, which has just been passed around, I assume. Now, you will note that during his testimony Senator Nunn indicated his belief that interpretation of the ABM Treaty should be viewed as separate and apart from the interpretation of the INF Treaty.

That was clear to you, was it not, Mr. Ambassador?

Ambassador GLITMAN. Yes, Senator.

Senator HELMS. Now, is it the preference of the administration that the method by which this treaty is to be interpreted not be deemed to affect the manner in which the ABM Treaty is interpreted?

Ambassador GLITMAN. Senator, just looking at the amendment itself, I find that it is not really related to the INF Treaty at all. It is a different issue.

Senator DODD. I am sorry, Mr. Ambassador.

Ambassador GLITMAN. I said I find this amendment is not related to the INF Treaty at all, that it would put into article I, which lays out the basic requirements of this treaty, a provision dealing with the ABM Treaty.

And I do not see how they mix or why it is necessary, in the context of this treaty, to have such a provision.

Senator HELMS. Well, I guess what I am saying, in order to assure that this treaty, the INF Treaty, is seen as not affecting our obligations under the ABM Treaty. That is safe. That is a safe statement; is it not?

Ambassador GLITMAN. This treaty only affects our obligations covered by this treaty, Senator.

Senator HELMS. Well, would you take a look at the amendment and tell the committee what effect it would have on the obligations of the United States, period?

Senator DODD. Well, let me just ask, why do we not add some language as well that just says that nothing in this treaty abolishes the Bill of Rights either?

I mean, would that have the same effect?

Ambassador GLITMAN. Well, that is what I was getting at, Senator. You could add some other treaty, or any other matter.

I have asked Mr. Matheson, Deputy State Department Legal Adviser, to join me.

Senator HELMS. It is good to see Mr. Matheson again. Now, you understand the purpose of the amendment. I want to sever the ABM Treaty and the INF Treaty.

Mr. MATHESON. I understand, and that is an important objective. But I think this is not the way to do it.

What this amendment suggests is that there is something in this treaty which might have an effect on the ABM Treaty except for this amendment. Well, in fact, there is nothing in the INF Treaty which has any effect on obligations under the ABM Treaty.

So, if this is adopted, then the question arises, what is the Senate really trying to do? Is it trying to imply something about other INF Treaty obligations that somehow are affected by the ABM Treaty? Are we trying to introduce some change with respect to practice on the ABM Treaty? It is very unclear. The fact is that nothing in the INF Treaty does affect the ABM Treaty, and it would be inappro-

priate to have an amendment to this treaty which unnecessarily raises that question.

Senator CRANSTON. Mr. Chairman, if I could comment on this. Senator Nunn was expressing concerns to us yesterday, not about the interpretation of the ABM Treaty.

He specifically stated that he was not going to resolve that matter, while he was trying to find a way to resolve his concerns about the interpretation of this treaty, the INF Treaty.

And the basic thrust of present efforts to resolve this ridiculous situation that has developed over the interpretation of treaties and the series of letters that are very conflicting from the administration on that issue relate to figuring out how we make clear how this treaty is to be interpreted, not the ABM Treaty.

These suggested versions of interpretation language, stemming first from what Senator Biden proposed, have all made crystal clear that how we interpret INF is not intended to be dispositive in any way of the ABM Treaty issue.

The odd fact is once again that the Senator from North Carolina is proposing something that is consistent with what the Soviets sought to do in the negotiations. The Soviets wanted to link INF to SDI, and to START. And we resisted, did we not, Ambassador?

Ambassador GLITMAN. Absolutely.

Senator CRANSTON. There is no linkage between INF and ABM in this treaty, and to now suggest that there is is to open a Pandora's box of, well, how does it relate to that treaty?

Senator HELMS. I do not understand how Senator Cranston comes to the conclusion, now first of all I did not raise this interpretation question, and if Senator Cranston is trying to say that Sam Nunn was not talking about the ABM Treaty he had better go back and look at the record.

Senator CRANSTON. Well, let me point out that he specifically stated——

Senator HELMS. Please. I did not interrupt you. But the question asked of Sam Nunn yesterday related to the letter from Mr. Culvahouse. And of course that involves this interpretation question.

Now, as for the SDI and all the rest of it, I beg to differ with the Senator. The Soviets wanted to tie these up.

Senator CRANSTON. That is exactly what I said, and let me repeat that.

Senator Nunn said yesterday in testifying before this committee he did not want to try to resolve the issue of the ABM interpretation in the effort to resolve the problem of how we interpret this treaty.

So, there was no link in his mind in what he wants us now to do on this treaty.

Senator HELMS. Well, I think it is not a certain matter what Senator Nunn was saying yesterday, because he said he may or may not agree with the Biden amendment and that sort of thing.

Senator CRANSTON. Well, the Biden amendment specifically states, if I may say so, that it is not intended to resolve the factual ambiguities that are the main basis of the Sofaer doctrine in regard to interpretation of the ABM Treaty.

Senator EVANS. I wonder if I could ask the sponsor of the amendment, leaving aside what Senator Nunn said or the interpretation.

Senator HELMS. You cannot, you cannot leave it aside.

Senator EVANS. The wording, though, is aimed at this treaty. Nothing in this treaty shall be construed as imposing on the United States any change in its obligations under the treaty between the United States and the Soviet Union on the limitation of antiballistic missile systems.

My question is, in your mind, is there any specific article, section of an article, or implication in this treaty, that does bear in any way on our obligation under the ABM Treaty?

Senator HELMS. That is what I am trying to find out.

Senator EVANS. But you are not aware of any?

Senator HELMS. I think I am.

Senator EVANS. Well, it would help to understand that.

Senator HELMS. I want the authoritative testimony of Ambassador Glitman.

Now, what is at issue here? And let us not, you know, I have been around this place a while, and so have other Senators. But what we are talking about is SDI. That is the root of it. Is that not right, in this whole controversy?

Now, in light of the fact that the Soviets are very likely to proceed, in fact they are proceeding with the development of their own SDI, without regard to our interpretation of our obligation under the ABM Treaty, do you believe the Soviets would reject this treaty on the basis of this amendment or an understanding, or whatever?

Ambassador GLITMAN. Well, I think, Senator, any amendment that we put in will be reacted to by the Soviets in a manner which will lead them to try to gain some advantage.

Whether they would say this is fine or not, I suspect they would have difficulty with this. But fundamentally, what would concern me is that we would then open up the door to Soviet counterproposals, which we may not like. So, we would be in fact back into a negotiation.

Senator HELMS. Well, they are dictating to us, then, what we can do about this treaty, through the reluctance of the proponents of the treaty or the refusal, it is not reluctance, it is a refusal to even consider any amendment.

Now, I cannot draw any conclusion, and I hope I am wrong about this, other than we are in the process of throwing SDI over the side in order to get a treaty. Now is that so or is it not so?

Ambassador GLITMAN. I do not know how you came to that conclusion, Senator.

We have a treaty which does one thing. It deals with INF missiles, and it will eliminate them. It is silent on ABM, SDI, except insofar as it does permit us, under one of the articles, to continue to exempt ASAT systems from coverage by this treaty. In article VII, paragraph 3, I believe.

So, to the extent that this article, this treaty, in any way touches upon the SDI program, it touches upon it at our request, the U.S. request, in a manner which will permit us to continue using systems which might otherwise be captured by this treaty to help with that program of SDI.

Senator HELMS. Well, I say again that the treaty interpretation matter was not raised by this Senator.

Now, I will further say this, that if a Biden-type amendment is adopted, the two treaties will in fact be linked. And what I am seeking to do with the amendment is to make sure that the treaties are not linked.

Now, do you have any objection to my trying that?

Ambassador GLITMAN. I have absolutely no objection to ensuring that these treaties are not linked. I do not believe that this amendment is necessary to achieve that end.

I think they are not linked, and that we do not need any further——

Senator HELMS. But do you not agree, and maybe you would want to ask your lawyer here, that if a Biden-type amendment is in fact offered and included, and I hope it will not be, that the treaties will be linked?

Mr. MATHESON. Well, Senator, I think we share the objective of not having them linked. I think the way to attain that objective is to refrain from adopting anything which would link them, rather than to adopt an amendment which has the effect of linking the two by changing one of the provisions of the treaty, as yours would do.

So, what we have to do is refrain from adopting something which would establish an undesirable linkage.

Senator HELMS. Well, maybe we can get an agreement right here this afternoon that all of us will resist a Biden-type amendment.

Would you support that, Chris?

Senator SARBANES. Well, the "Biden-type" amendment does not link them.

Senator HELMS. Oh, mercy, mercy.

Senator EVANS. I might say to the Senator from North Carolina that you probably would pick me up on that one.

I would find great difficulty, and we have not come to that subject yet, but I will speak to it when we do come to it. I would find great difficulty if we start burdening this treaty down with arguments which are separate and apart from this treaty.

Senator SARBANES. But the way to address the question of interpreting this treaty is not to link it to another treaty, and Senator Biden made a strong effort to chart out such a course.

Now, whether it has been achieved remains to be determined, but I think that was his objective.

I see this amendment as mischiefmaking, and Mr. Ambassador, I put this question to you.

There is an assumption, and I think it is a good assumption, that if we add an amendment and it goes back for negotiating with the Soviets, the Soviets will then seek other changes, and we will have reopened the whole thing.

What about this scenario? The Soviets could then reject the agreement, and then exploit it for propaganda advantage and for its impact on public opinion, not only in Western Europe but elsewhere in the world. They could say, reached an agreement. The United States has turned it down. We were seeking to bring arms under control, and now that is not happening, and the onus rests upon them.

Senator DODD. Let me just add to that, that I think probably the more likely scenario would be—and tell me if this is correct or not,

Mr. Ambassador, this is a meaningless amendment. That is what I hear you saying; is that correct?

Ambassador GLITMAN. I would say it is unnecessary, Senator.

Senator DODD. But the point is that if we adopt this, and it has no real bearing at all, the Soviets could come back and in exchange for this ask for something that may be meaningful.

That would be a more likely result, it would seem to me, than maybe rejecting the whole thing, which could be pernicious. And so rather than giving the Soviets what we want, the implication here that they are going to dictate the terms here, in fact we would be giving them an advantage in exchange for something which gains us nothing.

Senator SARBANES. The resistance to amending——

Senator DODD. Would you agree with that?

Ambassador GLITMAN. I can only say, based on my 6 years of negotiating with them, that they believe very much in the school of tit for tat. Therefore, I would have to anticipate that this amendment, or I am sorry to say, any amendment, would almost certainly lead to a countermove on their part, and I am not sure whether the record that you will be receiving, Senator Helms, has some of the comments that I am about to refer to, but I have seen more than one time in the Supreme Soviet hearings, the Soviet equivalent—well, they really are not equivalents, but people in the Supreme Soviet saying, well, we may have some amendments, too, and I take that as a sign that the record that I have seen in the past could very well repeat itself; if we were to put an amendment in, we would find a tit for tat.

Senator SARBANES. The resistance to amendments is not to let the Soviets write the treaty; it is to deny them an opportunity to try to reformulate its provisions in this tit-for-tat process.

I think it is very important to keep that in mind.

Senator HELMS. Well, I will tell you what I will do, Mr. Chairman.

The CHAIRMAN. Senator Helms.

Senator HELMS. Maybe I can accommodate the committee a little bit. Now, this is No. 3. I am going to withdraw it and offer it or this type of thing to a Biden-type amendment, if offered and when offered.

The CHAIRMAN. So, you withdraw this amendment at this time?

Senator HELMS. Correct.

The CHAIRMAN. That is your right.

Let's move on to another amendment.

Senator Helms.

The ranking member has another amendment, and it will be distributed.

Senator HELMS. This will be amendment No. 12 on page 9 of the spread sheet, Mr. Chairman.

The CHAIRMAN. Out of compassion for the audience, we plan to wrap up around 5-ish.

Senator HELMS. Mr. Chairman, someone said that the mind can absorb no more than the seat can endure.

This is on page 9.

Now, Mr. Chairman, to go back to Senator Nunn's appearance here yesterday, he pointed out that one of the key shortcomings in

the treaty; that is, a short form summary of his views, his actual statement was, and I quote him, "The Soviets could develop and deploy a new type of ground-launched ballistic missile replacement for the SS–20, provided the missiles were tested one time at a range in excess of 5,500 kilometers, even if it were tested on every subsequent occasion at INF ranges."

I quoted that earlier this afternoon.

Now, in essence, I take this to mean that the United States is gaining only the destruction of existing INF missiles. There is nothing to prevent Soviet modernization by flight testing ICBM missiles; that is to say, their existing SS–25's, or some totally new missile at INF ranges and then deploying them throughout Europe or anywhere else, for that matter.

The CHAIRMAN. Excuse me, are you on amendment No. 9 or No. 12?

Senator HELMS. Twelve.

The CHAIRMAN. Twelve. I am sorry.

Senator HELMS. On page 9.

And I would like for Mr. Glitman to clarify if I am missing something in the translation here or if the understanding that Senator Nunn and I have is correct.

Ambassador GLITMAN. I think we discussed that issue this morning, did we not, Senator, that if a missile is tested above 5,500 kilometers, it would be considered a strategic missile. If it were tested below 5,500 kilometers, afterward it would still be considered a strategic missile.

Senator HELMS. Yes. But there is no provision in the treaty that would preclude the Soviets from initiating extensive flight testing of their SS–25's at intermediate ranges; is there?

Ambassador GLITMAN. There is not, but again, we are dealing then with a strategic missile, so this provision, this proposal, amendment, would essentially become an ICBM restriction in an INF Treaty. ICBM's are tested by the United States at ranges under 5,500 kilometers, so this provision would seriously handicap our own testing programs for non-INF systems, beyond which, once the system is shown to be capable of achieving strategic ranges, it ceases to have that special quality that INF systems possess, especially those in the Soviet hands; namely the ability to provide the misperception, at least, to the Soviets that perhaps because these systems cannot reach the United States, we would not react to their use in the same way as we would to the use of a system that can reach the United States.

Senator HELMS. Well, notwithstanding all of that, I am just trying to get for the record what is a violation and what is not a violation.

Would it be regarded as a violation under this treaty if the Soviets subsequently deployed missiles that had been flight tested at intermediate ranges?

Ambassador GLITMAN. No, Senator, but again, a strategic range missile can be used to strike targets at less than strategic ranges. That does not make it an INF missile.

Senator HELMS. Well, so you say that Senator Nunn and I are unjustified in our apprehension about where this leaves us.

So, here they have the SS–25, which is not covered by the treaty, which can be either a long range or short range, and we do not even have anything on the drawing boards.

Ambassador GLITMAN. We have long range missiles as well, Senator. And they can reach the same targets as the shorter range missiles, the INF missiles.

Senator HELMS. Well, you were not all that confident about it right after the treaty was concluded. United Press International carried a story quoting you that just the type of provision that this amendment proposes was already in the treaty.

Did you not tell United Press that, or did they not report that, and did you not say, "Well, I was in error about that"?

Ambassador GLITMAN. I was approached at a conference, sitting up at the dais as you are now, Senator, by a journalist. He asked me a question. I had my mind on shorter range. The journalist reported me accurately, and I was in error. I called him the next day when I saw the article, and I said to the journalist, "I am sorry, I did not speak correctly to you; I hope you will issue a correction."

I do not know whether he did, but I was wrong.

Senator HELMS. Well, no problem about that. I do not want anybody cataloging the number of errors I have made around this place, but you are convinced that we ought not to do anything about this, then.

Ambassador GLITMAN. I believe to do so, Senator, would as I said interfere with our own testing programs and would not improve the quality of the treaty because we would be in effect capturing a strategic system in an INF Treaty, and it would not be an INF system, thus, it would not have those qualities.

Senator HELMS. Well, obviously I have been handed some suggestions here, and I shall look at them before I follow the suggestions.

Well, I think we have covered this, but just for the record, under this treaty, the Soviets are, of course, prohibited from testing covert SS–20's. That is correct; is it not?

Ambassador GLITMAN. They cannot test any INF system. That includes, if there were any covert SS–20's, they could not test them.

Senator HELMS. OK. It is hard to pin you down.

If there are covert SS–20's, the Soviets are prohibited by this treaty from testing them; right?

Ambassador GLITMAN. Senator, the problem is not that it is hard to pin me down but a covert SS–20 is a violation of the treaty to start with. That is point 1.

Senator HELMS. That is correct.

Ambassador GLITMAN. We have to agree on that.

Second, if they were to test an SS–20, covert or otherwise, after the treaty enters into force, they are in violation of the treaty, they cannot do it.

Senator HELMS. All right.

Over time, what is going to happen to the Soviets' confidence in the SS–20 reliability if flight tests are prohibited?

Ambassador GLITMAN. It would decline.

Senator HELMS. And if we prohibit the Soviets from flight testing SS–25's or other ICBM's at intermediate ranges, will not the Soviet confidence in using their ICBM's for INF purposes be greatly diminished? And they say the answer should be yes.

Ambassador GLITMAN. Well, it might be, but if we were to do that, we would then have to do the same thing ourselves, and that might be a great inhibition on our testing program.

Senator HELMS. I reckon that is about as much as I want to say right now. You can vote it down if you wish.

The CHAIRMAN. Senator Cranston.

Senator CRANSTON. Well, again, the Soviets wanted to link strategic weaponry to intermediate and we did not, when these negotiations started. The effect of this amendment would be to freeze strategic arms in the intermediate treaty. It would not really capture the SS–25; the Soviets would still be able to test it. What it would capture is U.S. testing of our intercontinental missiles at the shorter range.

I generally favored trying to reduce testing because I think that is a way to slow down and perhaps end this arms race, but I think we have to go at this piece by piece, and the purpose of the treaty before us is to cope with intermediate missiles.

The purpose of the treaty that we hope will be before us, at least I do, START, and the administration shares that hope, will deal with intercontinental missiles. If the amendment proposed by the Senator from North Carolina does mean any missile, this provision, if accepted by the Soviets, but it would require renegotiation with them, would essentially halt the flight testing of U.S. submarine-launched and air-launched Cruise missiles.

Since our strategic missiles are often tested at less than strategic ranges, this amendment would seriously affect our own testing program. I am sure the administration would not want this amendment, the Ambassador has so testified. It clearly would require renegotiation, and the Soviets would have their price for that renegotiation.

The CHAIRMAN. I must say, under normal circumstances, if this was a freestanding amendment, I would be very sympathetic to it and would be inclined to support it, but as for attaching it to the treaty, I find myself opposed.

I suggest we vote.

The clerk will call the roll.

Ms. ALLEM. Mr. Biden.

[No response.]

Ms. ALLEM. Mr. Sarbanes.

Senator SARBANES. No.

Ms. ALLEM. Mr. Cranston.

Senator CRANSTON. No.

Ms. ALLEM. Mr. Dodd.

Senator DODD. No.

Ms. ALLEM. Mr. Kerry.

The CHAIRMAN. Kerry, no by proxy.

Ms. ALLEM. Mr. Simon.

The CHAIRMAN. No by proxy.

Ms. ALLEM. Mr. Sanford.

The CHAIRMAN. No by proxy.

Ms. ALLEM. Mr. Adams.

The CHAIRMAN. No by proxy.

Ms. ALLEM. Mr. Moynihan.

The CHAIRMAN. No by proxy.

Ms. ALLEM. Mr. Helms.
Senator HELMS. Aye.
Ms. ALLEM. Mr. Lugar.
Senator LUGAR. No.
Ms. ALLEM. Mrs. Kassebaum.
[No response.]
Ms. ALLEM. Mr. Boschwitz.
[No response.]
Ms. ALLEM. Mr. Pressler.
[No response.]
Ms. ALLEM. Mr. Murkowski.
[No response.]
Ms. ALLEM. Mr. Trible.
Senator HELMS. Mr. Trible votes no by proxy.
Mr. Pressler votes aye by proxy.
And Senator Kassebaum votes no by proxy.
Ms. ALLEM. Mr. Evans.
Senator EVANS. No.
Ms. ALLEM. Mr. McConnell.
Senator LUGAR. Votes no by proxy.
Ms. ALLEM. Mr. Chairman.
The CHAIRMAN. No.

On this vote there are 14 nays and 2 yeas. The amendment is not agreed to.

And we have facing us still two more amendments from the Senator from North Carolina and three amendments from Senator Pressler, and two conditions and reservations, and we still have the possibility, not the possibility, but the question of the Biden amendment, how that is resolved, and there is a DeConcini amendment.

I would suggest we meet tomorrow morning at 10 o'clock in this room, and I would hope we could start promptly and get a working quorum quickly.

Otherwise, the committee is now recessed.

[Whereupon, at 4:40 p.m., the committee recessed, to reconvene at 10:10 a.m., March 24, 1988.]

THE INF TREATY—MARKUP

THURSDAY, MARCH 24, 1988

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met at 10:10 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Claiborne Pell (chairman of the committee) presiding.

Present: Senators Pell, Sarbanes, Cranston, Kerry, Sanford, Adams, Helms, Lugar, Kassebaum, Trible, Evans, and McConnell.

Also present: Ambassador Maynard W. Glitman, Chief INF Negotiator, and Head, INF Delegation.

The CHAIRMAN. The Committee on Foreign Relations will come to order.

Yesterday we made reasonable progress and today we will take up some more amendments and try to work our way through them.

My thought is that we should work here and recess for luncheon, obviously, and just keep working until 5 or 6 this afternoon, and how many of these amendments we can wrap up that remain to be asked.

I think the very complicated one of the interpretive provision, to my mind, should not be taken up until probably Monday afternoon, the last thing before we move into the final vote.

I would now ask if any of my colleagues have an amendment they would like to offer.

Senator Helms.

Senator HELMS. Mr. Chairman, we may make relatively short shrift of this meeting this morning. I don't have but two amendments remaining that I contemplate calling up, and obviously I have known the arithmetic of the situation from the very beginning.

The CHAIRMAN. Excuse me. Could I interrupt for a moment.

There are also four amendments of Senator Pressler, plus two category 1 ones, so there are six amendments in all, as I see it, from Senator Pressler. Senators DeConcini and Lautenberg have one, also.

Senator HELMS. Well, I was speaking only for myself in terms of my own amendments.

I read in the papers with great interest this morning where I suffered a "serious defeat" yesterday. I thought the chairman and I had worked out a fine arrangement——

The CHAIRMAN. Yes.

Senator HELMS [continuing]. Serving his purposes and mine, because I have no predisposition, and had none, to delay inordinately

the work of the committee. The real discussion on the treaty—and this may be good or bad, depending on the way you look at it—will occur on the Senate floor.

I want to say to the chairman that I appreciate his recognition of my problems yesterday and working out the time certain, no later than 3 p.m. Tuesday, and I imagine that it will be at about 3 p.m. Tuesday, when we vote to report it out, and it will be reported out by a substantial margin, which I anticipated at the very beginning.

But I think we have gone through a constructive process. I have been permitted to have my say on the thing. I still have deep reservations about the treaty. At the same time, I have equally deep respect for those who disagree with me.

The only problem I have is with those who feel or who may feel that these concerns ought not to be discussed.

But we are beyond that, and I thank the chairman.

The CHAIRMAN. If the Senator would yield for a moment, I would add that the suggestion for a time certain was graciously made by Senator Helms, and the credit for arriving at this conclusion rests entirely with him, and I thank him.

Senator HELMS. Well, I thank the chairman, and I also would thank the distinguished majority leader, with whom I discussed in advance what I was going to do yesterday, when I was in his office on another matter.

I think we are all "singing from the same hymn book" at the moment. We may agree to disagree agreeably on various things.

Anyway, I feel very comfortable about the situation. Certainly I have had my shot at making my points, and will continue to have.

Well, if the staff would pass out—but before I do that, Mr. Chairman, if I may exercise a point of personal privilege, I want to say welcome to the Close-Up young people who are here this morning. We could not do this on the Senate floor because that is against the rules.

I have been a supporter of Close-Up almost from the very beginning, maybe from the very beginning. Every year I say that the young people can't get any better than this, and the next year they do. I know other Senators would join me in welcoming them.

If staff would pass out the amendment, I will proceed.

This amendment, Mr. Chairman, it seems to me goes to the heart of the problem, and that is the problem of Soviet cheating. The specific problem is the number of SS–20's that the Soviets actually have, the number of SS–20's that actually exist.

We have been confronting from the very beginning all grades of arithmetic, with acknowledgements that we don't know how many SS–20's the Soviets have. That is an understatement of the year, perhaps.

We have been told over and over again that it doesn't matter if the Soviets cheat, to which I take exception. We have been told that there is a cheating factor built into our calculations, which tells something, I hope, about the way the negotiators feel about the Soviets.

We have been told that there would be no military advantage to cheating, and, even if the Soviets do cheat—which they certainly will—there wouldn't be any significant change in the military balance.

I'm not going to characterize that as nonsense. I was tempted to, but I will let each person make his or her judgment about those points that have been made about the SS–20's.

If the Soviets lie, if the Soviets cheat, then, obviously, they are not reliable treaty partners. And heretofore in these hearings, I have gone down the list of the gross violations of previous treaties by the Soviet Union.

It is not a question of merely whether they can find some secret way to evade the terms of this treaty. If they are lying about the number of SS–20's that they actually have, then, ipso facto, they have abrogated the trust that lies at the heart of any treaty. They are violating the treaty before it is even ratified.

If the Soviets are lying about the number of SS–20's, then the treaty itself is cockeyed.

Now let me say that this amendment would not require renegotiation of the treaty. I want to emphasize that at the outset.

It puts no burden on the Soviets at all, except—and this may be an intolerable burden for them—the burden of truth and honesty. The burden is on the President, the President of the United States, to certify that the number of SS–20's stated in the MOU, the memorandum of understanding, is, in his judgment correct, and he must do that before the treaty is ratified.

Now, I have said before and I will say again that I don't think there are many people, if any, in this Senate who have known Ronald Reagan personally longer than I have, or who have supported him more vigorously and more frequently than I have. But I have to say that we have been getting excuses and doubletalk from this administration about this treaty.

If the President cannot make this simple certification—it doesn't require him to know how many SS–20's; it simply requires him to state that in his judgment the number is correct—if the President cannot make such certification, then the INF Treaty is both worthless and dangerous.

I don't think that very many Senators want to put their signatures on a blank check for SS–20 missiles, and I suggest and I submit that this treaty is all about that.

Now I have heard it said many times during these hearings that the INF Treaty is so important because it will get rid of SS–20's, the Soviets' intermediate missile. That is supposed to be the trade: We give up our Pershing II's and GLCM's, our ground-launched missiles, and the Soviets give up their SS–20's. That is supposed to be the bargain, as I understand it.

Well, suppose the Soviets don't give them up. Suppose the Soviets have figured out a way to keep all of the SS–20's they want in a way that we can't detect, and, Lord knows, that we don't have the ability to detect?

Suppose they can use the SS–25 infrastructure for testing, training, and firing covert SS–20's?

Suppose they have figured out a way to maintain confidence in the reliability of a covert SS–20 force without the kind of testing that we expect?

Now, you can dismiss those questions if you want to; but you may be dismissing them at not only your own peril, at the peril to the United States and certainly at the peril to NATO.

In any case, these are all questions which involve a series of judgments on our part. My purpose has been to say "Wait a minute, let's think about this, let's think about that."

Again, I say that I respect those who say that it doesn't matter about the SS–20's. I just don't agree with them.

I think we need to be absolutely certain every step we take. We have to have more than high confidence in those judgments. We have to have confidence, period.

We are currently going through another phase of what I call "Tinkerbell Diplomacy." You know how that works: If we just hold hands and close our eyes and wish very, very hard, then "glasnost" will not fade away.

So, the central question is how many SS–20's the Soviets have produced.

If we can't rely on the number the Soviets have declared in the memorandum of understanding, that means that we can't rely on anything. We can't rely on Soviet good faith—and never have. We can't rely on Soviet compliance. We can't rely on all the "Tinkerbell" assurances that we have been receiving that there is no conceivable advantage to the Soviets if, as, and when they cheat.

The fact is—and maybe I have read more and listened more and talked to Senators on other relevant committees more than some—there seems to me in the accumulation of information and concerns in my mind that there is an astonishing amount of evidence that none of the assurances we have been receiving can be relied upon.

What then?

I wonder how the American people out there would feel if they could understand the complicated aspects of this treaty and the questions that, in my judgment, are very relevant and very essential to answer in our own minds.

Now, it is well known—let this be a matter of fact—it is well known that we don't know how many SS–20's the Soviets have. Witness after witness has said that.

We have all received the secret briefings that we can't discuss here. But the figures which have appeared in the media at least demonstrate the problem.

Now, let's get down to specifics.

The Soviets declared that, as of November 1, 1987, they had 650 SS–20's.

In July 1987, the CIA and State Department were guessing that there were only 550 SS–20's. It looks to me as if there might have been some attempt to placate or whatever.

In any case, in January 1988, this year, after the Soviets had revealed the MOU number of 650, and the State Department no doubt considered that ridiculous, then they raised the estimate to 700.

Meanwhile, the State Department in May of last year, almost at the same time they were saying in the Intelligence Committee that there were only 550 SS–20's, the State Department was saying publicly that there were 840 SS–20's.

Now who is deceiving whom, and why?

It is an interesting question.

But, at the same time—May 1987—the majority of our intelligence agencies were saying in the national intelligence estimates, the NIE's, that there were 950 SS–20's.

Meanwhile, the Defense Intelligence Agency, in July 1987, was confident that there were 1,200 SS–20's. DIA still had the same opinion in January of this year, after the Soviets had declared only 650.

So the plot thickens.

The result of all of this was that only CIA and the State Department, out of the whole intelligence knowledgeable—presumably—apparatus, only the CIA and the State Department stuck up for a number anywhere close to the number declared by the Soviets in the memorandum of understanding. Only the CIA, only the State Department—those two. The rest of our intelligence community thought the number at least half again as much, or twice as much. Some experts, as I said earlier, thought that it could be four times as much.

But once the political pressure was on and the bum's rush was given to race this treaty through, with no amendments, every amendment—I think if we would change the color of a period that that would be a killer amendment—once the political pressure was on, the intelligence community quietly submerged and buried the dispute by simply not putting out any agreed estimate at all.

So, how Senators will vote on this amendment comes down to whether you believe the State Department estimate that the Soviets actually have 100 fewer SS–20's than the Soviets declared in their memorandum of understanding—and if anybody believes that, I have some swampland down in eastern North Carolina that I will sell you cheap—or whether the experts and military systems in the Defense Intelligence Agency have a little more reason in declaring that the Soviets have 1,200—1,200—SS–20's.

If I may proceed, Mr. Chairman, then I will let Senators have at my amendment. I know they are just chafing at the bit.

Let me ask Mr. Glitman a few questions, and then I will back off and I will endure the assault.

Mr. Glitman, which estimate, of all of the myriad of estimates, makes more sense to you?

Ambassador GLITMAN. Senator, this issue, of course, has been discussed at great length here before, and I think that the point that was made by Secretary Shultz during his testimony here——

The CHAIRMAN. I'm sorry to interrupt, but could you really get the microphone close to you.

Ambassador GLITMAN. Yes, sorry.

I said that this issue has, of course, been discussed before, and I would note that Secretary Shultz dealt with it in his last statement before this committee, in which he said that we have made it clear that there are some differences within the U.S. intelligence community over estimated numbers of Soviet systems. It is not surprising that there are differences of opinion. They reflect independent analyses which add to the strength of our monitoring process.

The Soviet numbers for deployed and for nondeployed forces are near the estimates of our intelligence community, allowing for the range of our uncertainties. There are some differences in agency views on the number of nondeployed SS–20's.

Estimates for nondeployed systems are, of course, inherently less certain. They vary by agency, reflecting the independent analysis mentioned above. There are three agency views—three agencies, I believe, who are considered NIE agencies—and two out of those three are close to the Soviet number and one was not.

I don't want to suggest that I am requoting Secretary Shultz. This is roughly a paraphrase, I think, of his remarks.

Senator HELMS. I am glad for you to do that, Mr. Ambassador. I would just want to ask you what is your personal opinion about which estimate makes more sense to you.

Is it the lesser number than the Soviets declared, the number that the Soviets declared, or some figure more than the Soviets declared? What makes more sense to you?

Ambassador GLITMAN. Well, Senator, I will say that my study of the issue—and I have tried to look into it; much of this is classified—led me personally to come out close to the middle view of the three agencies. But that is where I came out.

Senator HELMS. And what would that be?

Ambassador GLITMAN. That would be fairly close to the Soviet number, maybe somewhat——

Senator HELMS. Like what?

Ambassador GLITMAN. Well, again, I'm not sure of the exact point. I don't remember precisely where, but it somewhere in the middle.

Senator HELMS. Well, it would be more than the Soviets declared, right?

Ambassador GLITMAN. Not by much. I'm trying to remember those figures.

Senator HELMS. Well, how much is "much"?

Ambassador GLITMAN. Excuse me, Senator.

[Pause.]

Ambassador GLITMAN. My understanding is that I cannot use the numbers in open session. In any case, they are close to the number of the two agencies that were reported, the two out of the three, and I believe that those analyses, my personal view is that those are closer to the likely Soviet number.

If I may continue, we are dealing here essentially with the problem of covert force. That really is what is at the heart of this issue, could they maintain a covert force.

The capability of detecting covertly stored treaty-limited weapon systems will depend on the scenario, including the size, of course, the state of readiness, the mode of operations, the training requirements, and a number of other factors.

But the treaty is designed to deal with possibilities, such as the Soviets having more nondeployed SS–20's than we assess, and that is the one area where there was this difference of opinion, nondeployed SS–20's.

Our NTM can verify Soviet compliance with the treaty's ban on INF flight testing, as already noted, as well as with the treaty's ban on INF infrastructure. Testing, training, and infrastructure are essential to a militarily effective force.

So, unless the Soviets were willing to risk detection, the military effectiveness of concealed SS–20's would steadily degrade over time.

If I may second note, the Intelligence Committee, the Senate Select Committee on Intelligence has, of course, put forward its report. You have received it.

Basically the report states—I have the unclassified version here [indicating]—that the specific requirements imposed by the treaty, including the bans on production, flight testing, and storage, will limit the ability of the Soviets to maintain nondeployed missiles in a high state of readiness. These provisions increase both the probability of detecting cheating and the cost of cheating for the Soviets.

They agree that it will be difficult to monitor, but, nonetheless, their conclusions were that the treaty can be verified and that would include, of course, this problem which lies behind the numbers of could there be a covert force.

Finally, Senator, if I may, the amendment itself would ask the President to certify the validity of the Soviet numbers.

Senator HELMS. In his judgment.

Ambassador GLITMAN. In his judgment.

Of course, when we drafted the MOU, we were very much aware of the fact that these Soviet numbers, the data in the MOU, would not be subject to United States onsite verification. So we wrote it in such a way that it makes it clear, and I'll read it: "Each party, in signing this memorandum of understanding, acknowledges it is responsible for the accuracy of only its own data." We wrote that with the clear understanding in mind that we did not believe that this committee or the Senate should take necessarily on face value what we got from the Soviets and that it would not be appropriate for the President of the United States to say yes, Mr. Gorbachev, you put your signature here and I can attest to the accuracy of your numbers, and vice versa for them. But we are worried about our side, of course.

Now, once the treaty enters into force, there will be another update of this data, and we will then have an opportunity for onsite inspection, to do an accounting of the Soviet data. Then we will be able to say yes, now we can verify those numbers.

Senator HELMS. This amendment, Mr. Ambassador, with all due respect, does not involve Mr. Reagan and Mr. Gorbachev. It involves Mr. Reagan and the American people.

That is the point of the amendment.

It will be voted down, unwisely, I think.

But, isn't it true that the Soviets gave first priority in deploying nuclear ballistic missiles to Europe? That was their No. 1 priority, wasn't it?

Ambassador GLITMAN. Are you referring historically, Senator?

Senator HELMS. Pardon?

Ambassador GLITMAN. In a historical sense?

Senator HELMS. Oh, yes. The acoustics in this room are terrible.

Ambassador GLITMAN. Yes, and that is logical because the missiles that they first developed were not of a long enough range to reach the United States. So, that is what they came up with.

Senator HELMS. Incidentally, we are somewhat—no, no, not "somewhat"—we are greatly hobbled by the fact that you and I cannot talk in this open session about discussions in the code word level sessions. We cannot talk about verification. We cannot talk

about monitoring capability. We cannot talk about anything that is in those code word levels.

I think I might have the advantage of you, sir, if we could. Beyond that, I won't say anymore.

But, according to the open sources material that I have consulted and studied, the Soviets had deployed 1,400 SS–4's and SS–5's in Europe as of 1965. Is that approximately correct?

Ambassador GLITMAN. The number I recall we began with was closer to 400 to 500. But let me just check on that.

[Pause.]

Ambassador GLITMAN. That number might have been closer to deployed and nondeployed in 1965.

Senator HELMS. Which number?

Ambassador GLITMAN. The 1,400 that you mentioned, I believe. Is that the number that you used, the 1,400?

Senator HELMS. Yes, 1,400.

Ambassador GLITMAN. When we began the negotiations, we were looking at a force that was considerably smaller than that, of course, closer to 600 or 700. I don't remember the exact number.

By the time we came to the end of the negotiations, that force was a little bit above 100.

Senator HELMS. You know, Mr. Chairman, I remember about the defense attorney who was defending a lady down in North Carolina who allegedly shot her husband. He was doing real well with her on the stand. She had said everything right. He said, "Now, you love your husband?" She said "Yes." He said, "Do you remember the last thing that he said to you?" She said "Yes. What was it?" She said, "Go ahead and pull the trigger. You couldn't hit the side of a barn, anyhow."

[Laughter.]

Senator HELMS. Well, that's the way I feel about some of these answers.

Now, the SS–4 and SS–5 are single warhead missiles, are they not?

Ambassador GLITMAN. That is correct, Senator.

And that is a good story. I'll remember it.

Senator HELMS. Good.

[Laughter.]

Senator HELMS. Isn't it true that the Soviet targeting strategy assumes that for soft targets you have to land two warheads on a soft target to have confidence that the target will be destroyed to the desired extent?

Ambassador GLITMAN. I think that that is a generally accepted approach that sides would take in that sort of situation.

Senator HELMS. So, that suggests, I guess, that the 1,400 SS–4's and SS–5's, whether deployed or not, were covering about 700 targets—you know, 2 divided into 14. Let's say 600 with some spares.

Ambassador GLITMAN. [Nods affirmatively.]

Senator HELMS. You nodded.

Ambassador GLITMAN. I think that is about right.

I'm not sure we could say they were being used against hard targets.

Senator HELMS. No, no. I didn't say that.

Ambassador GLITMAN. The accuracy of those early missiles was, of course, not there. They were not as accurate as the later ones.

Senator HELMS. Then, along about 1970, I think it was, the SS-4's and SS-5's, they began to withdraw them. Is that about right?

Ambassador GLITMAN. That's correct.

Senator HELMS. And in came the SS-20's to replace them. That's right, isn't it?

Ambassador GLITMAN. Oh, I remember, I remember very well the Soviets arguing that they were replacing missiles on a one-for-one basis and ignoring the fact that they were putting three warheads in for one.

Senator HELMS. Right.

So, the SS-20's having the three warheads, it wouldn't require as many to replace the SS-4's and SS-5's, would it?

Ambassador GLITMAN. That's correct.

Senator HELMS. Now, that's approximately the number of launchers declared in the MOU; is it not?

Ambassador GLITMAN. It gets close to that. We have the number here, of course, so we will not have to estimate what they declared.

They declared 608 deployed and nondeployed launchers for their intermediate-range forces, not for the shorter range ones. That's what they said they had.

Senator HELMS. OK.

So, I guess the logical question is whether the Soviets plan to have just one missile for each launcher or more than one.

Isn't it a fact that the Soviets have, or claim to have, one and one-half missiles per launcher? Isn't that what they claim?

Ambassador GLITMAN. Well, you'd have to look at the missile number. We have 826 deployed and nondeployed missiles and 608 deployed and nondeployed launchers, and you can do your arithmetic and see if it is close to that.

Senator HELMS. What figure did you give just now, of the number of SS-20's and the number of launchers?

Ambassador GLITMAN. I was dealing with the aggregate, and the aggregate number of SS-20's and SS-4's—they only had 5 or 6 SS-5's—was 826 deployed and nondeployed, and 608 deployed and nondeployed launchers.

Senator HELMS. OK.

The Soviets know full well—and so do we—that in battle conditions missiles fail to work. Electromagnetic pulses foul up the guidance systems, for example, troops don't get the proper orders, and so forth.

It has been pointed out to me in Soviet strategic literature that the Soviets plan on as much as a 50-percent attrition rate.

Have you read that?

Ambassador GLITMAN. I have not, but that very well could be correct.

Senator HELMS. So, if you absolutely require 400 missiles to cover 600 targets, or whatever the number is, you really need, given that arithmetic, about 800 missiles to make sure that you will have 400 that will fire in battle conditions.

The SS-12, let's talk about that for a minute—and I'll be through here in just a minute, Mr. Chairman—the SS-12 is a mobile missile; is it not?

Ambassador GLITMAN. That is correct, Senator.

Senator HELMS. How many missiles and how many launchers for the SS–12 are declared in the MOU?

Ambassador GLITMAN. Again, the aggregate number of the shorter range for the Soviets on missiles deployed and nondeployed are 926, and launcher, deployed and nondeployed, 237. For the SS–12, 220 missiles and 115 launchers.

Senator HELMS. What was the first figure—115 launchers and what? How many missiles?

Ambassador GLITMAN. It's 220 SS–12 missiles and 115 SS–12 launchers. This is the aggregate for deployed and nondeployed. I'm sorry, it's just deployed.

Senator HELMS. Well, let me check with my folks.

[Pause.]

Senator HELMS. We'll check on that.

The point I was making was a ratio of about 6-to-1, and apparently you say the ratio is less than that.

Ambassador GLITMAN. That would be deployed and nondeployed.

Senator HELMS. Yes.

Ambassador GLITMAN. With the deployed force, you get roughly a 2-to-1 ratio for missiles to launchers of SS–12's.

Senator HELMS. OK.

Now, the SS–23 is a mobile missile as well; is it not?

Ambassador GLITMAN. That is correct.

Senator HELMS. Is not the ratio of SS–23's to launchers something at least 2-to-1, or more?

Ambassador GLITMAN. I would have to check that.

It's correct, I'm told. It's about right.

Senator HELMS. Your young man says it's correct.

Therefore, the SS–20 ratio in the memorandum of understanding of 1½-to-1 does not seem to conform to the Soviet military practice that I had referred to of 2-to-1.

Now, in addition to the SS–20's in Europe, the Soviets also have SS–20's in Asia; do they not?

Ambassador GLITMAN. That is correct.

Senator HELMS. And these will be prohibited under the treaty?

Ambassador GLITMAN. Yes.

Senator HELMS. At one time, there was a great dispute in the negotiations, I understand, and I hope, on the question of the Soviets' desire to keep the SS–20's in Asia. Wasn't there a great deal of discussion about that?

Ambassador GLITMAN. Indeed there was.

Senator HELMS. In any case, there are about 100 SS–20's in Asia, as I recall.

Ambassador GLITMAN. The number is a little higher than that. It's 171 in Asia, I believe, that I believe we ended up with. Let's say roughly 170 in Asia—deployed.

Senator HELMS. Well, in any case, according to my arithmetic—and I am just doing it off the top of my—excuse me, but did I interrupt you?

Ambassador GLITMAN. I just wanted to make clear that that was the deployed number.

Senator HELMS. Yes.

So, what I came up with, and of course there are variables, deployed and nondeployed, differences, and so forth, but I come up with a sort of minimum number of 900 missiles just to meet targeting requirements and the attrition factor.

In addition, there are experts around who believe that the Soviets produced at least one missile per launcher for the purpose of training and testing.

Now that may not exist at the present time, but I don't know. I do know that the number is pretty close to the number taken last year by the Defense Intelligence Agency.

But I say again that this amendment can in no way be called a "killer amendment." It is not addressing any relationship between Mr. Reagan and Mr. Gorbachev. It addresses the relationship between the President of the United States and the American people, and those of us who are duly, or unduly, concerned about this treaty.

That is the reason I am offering it.

But it cannot—it cannot—be considered a "killer amendment," because all it says is that the President shall certify to the United States Senate that, "in his judgment the number of SS–20 missiles possessed by the Soviet Union, or the Union of Soviet Socialist Republics, on November 1, 1987, is the number of SS–20 missiles reported by the Union of Soviet Socialist Republics."

Everybody is so confident that we are on such safe ground on that, so the President ought to have no difficult certifying to the Senate, relieving the minds of us. Any suggestion that this is a "killer amendment" will fall on deaf ears from this Senator.

The CHAIRMAN. Thank you, Senator Helms, for giving us a full exposé of your amendment.

I would just like to observe that even if the number is inaccurate and they are hidden in a cave somewhere, unless they are tested or unless they are made workable, they could not be used from a military viewpoint, and the launchers would be detectable by national technical means.

Senator ADAMS. Mr. Chairman.

The CHAIRMAN. I think Senator Cranston wanted to be recognized.

Senator CRANSTON. Mr. Chairman, the Senator from North Carolina has raised a valid point. We will not know how many SS–20's the Soviet Union has at any particular time. He is also correct in saying that his amendment doesn't put a burden on the Soviet Union. It does not.

But it does put a great and impossible burden on the President of the United States, requiring him to do something that he cannot do.

The Senator from North Carolina grants that we don't know exactly how many SS–20's the Soviets have. Yet his amendment requires the President to certify that, in his judgment, a particular number is the number of SS–20's that the Soviet Union has at any particular time.

We have had abundant testimony that we will not know exactly how many the Soviet Union has. Secretary Shultz told this committee, "We can never know for certain that a banned missile is not concealed somewhere in the Soviet Union."

Gen. Larry D. Welch, Air Force Chief of Staff, explained to the committee, "We cannot guarantee that small numbers of missiles will not be concealed."

One more point in regard to that. We will have, however, what are reliable, what are estimates. I put this question to Ambassador Nitze when he was before the committee. I am reading from the transcript: "My question to you, based upon information that is now open, is, Ambassador, would not the testimony of the chairman of the Joint Chiefs, Admiral Crowe, suggest—suggest—that the Soviet SS–20's do not exceed the United States estimates that basically we have been relying upon?" Ambassador Nitze replied: "Yes. I would suggest that he is supporting the estimates that have been produced by our intelligence agencies."

Then the question arises, "Of what significance is it if we cannot tell exactly how many SS–20's the Soviet Union has at any one time?"

Senator Boren, chairman of the Intelligence Committee, testifying before this committee stated: "The specific requirements imposed by the treaty, including the bans on production, flight testing, and storage, will limit the ability of the Soviets to maintain nondeployed missiles in a high state of readiness."

He later said, "The treaty's ban on flight testing will, over time, limit the military utility of any SS–20's that the Soviet Union might covertly maintain."

Finally, General Welch testified before this committee: "It is my conclusion that it is not practical for the Soviets to hide significant numbers of missiles in any useful state of readiness for a significant period of time."

So, it would seem that the INF Treaty would not be, to use the Senator from North Carolina's words, "worthless and dangerous" if the President could not certify to something that he cannot certify to.

Finally, I have been at the code word level discussions of this treaty and asked many questions in the Intelligence Committee, where I serve, about it, and I do not know of anything at that code word level that would alter the case, Ambassador Glitman, that you and I have just now made against this amendment. I would like to ask you is there anything at the code word level, any information there, that would alter what case we have been able to make publicly here against this amendment?

Ambassador GLITMAN. No, I don't believe there is, Senator Cranston.

I would like very much to have a chance to talk with Senator Helms, in private and in a secure area, so that we could talk this out. I think maybe he would find some interesting points of view expressed from the other side of the argument.

Senator HELMS. I'll be glad to do that. I hope the Senator from California will go to an ear doctor and get his hearing adjusted.

The CHAIRMAN. Senator Lugar.

Senator LUGAR. Well, Mr. Chairman, a good number of us would need to consult the physician under those circumstances.

Senator HELMS. Yes, sir.

Senator LUGAR. I just must say, in all respect to the Senator from North Carolina, that the implication that the rest of us listen-

ing to code word level briefings do not understand the information is just absurd.

Now, the Senator from North Carolina has his own view of what he has heard. We listened to these briefings on our capabilities and I find it uncomfortable to be using our intelligence capabilities as an argument with respect to this amendment.

This is not a "killer amendment" in the sense of asking the Soviets to renegotiate the treaty. It is just a bad idea in terms of our own intelligence capability for the President to be certifying classified information to satisfy the Senator from North Carolina or others who simply want to persevere in their efforts to defeat the treaty.

Now, I just believe it is important to say, as the Senator from California has just said, that we have listened carefully to the intelligence community, and we will continue to listen carefully to it.

Each Senator has to make a judgment about that information, and we could differ on what we heard, on which estimates we believe. And there are variations.

That is a solemn obligation. Each Member must reach a judgment before he or she votes for this treaty, either in committee or on the floor.

The Joint Chiefs have had to make those judgments as military persons. So have the directors of our intelligence services, and, finally, the President of the United States has done so before he signed the treaty. He had to make a judgment as to whether we have good intelligence capabilities to verify what the Soviets are saying.

I would just like to raise another point.

I think the Senator from North Carolina is correct to be skeptical of the Soviet Union. So am I. So are most of us.

I don't know of anybody around this table who is buying for a moment any specific estimate that is placed out there. As Ambassador Glitman stated this morning, the Soviet side under the treaty will be making the more substantial initial cuts. Moreover, we will be energetically pursuing the short-notice inspections at Soviet sites subject to the base-line inspections. The inspections made during the base-line period are designed to allow both sides to verify all data provided in the Memorandum of Understanding.

As this process proceeds, Senators will have to make their own judgments as to whether that on-site inspection, plus our national technical means, justify their own continuing support of this treaty.

Now some Senators may simply vote in the negative based on their suspicions of the Soviet Union and their estimates of our natuional technical means. But ultimately, this will be a matter of judgment for each Senator; it has little to do with whether each Senator took away the same things from a Code Word briefing.

But it does seem to me that we really ought to move all of this into private session. We ought to reach our judgments there.

But this amendment, it seems to me, raises a public issue with regard to intelligence estimates and requires the President of the United States to certify something that I don't believe he can, or should certify as a part of the INF Treaty.

Senator SARBANES. Mr. Chairman.

The CHAIRMAN. Senator Adams is next.

Senator ADAMS. Mr. Chairman, I share the Senator from Indiana's precise point. I am very concerned to see these documents as sources with these numbers on them. These documents are code word, code level, items.

Senator HELMS. I beg the Senator's pardon. He is absolutely wrong. These are public information figures.

Senator ADAMS. Well, I would like to have the public source indicated because one of them says "unclassified letter to Senator Helms" and the rest are code level assessments, and I certainly haven't repeated them to anyone.

I have mentioned them this morning because they are before us. I want to make this point, as was made by Senator Lugar.

Senator HELMS. No, sir. There is not one bit of classified information on that chart.

Senator ADAMS. Well, then, please indicate to us where they came from. I was not going to use any of these figures, because I understood they were code word.

They are here now and I want to echo what Senator Lugar said.

We all listened to the analyses from the intelligence groups. We knew why they had a difference. It was explained carefully.

Judge Webster, of the CIA, went through it. Nothing was concealed in terms of how we make estimates, why there would be differences. The differences were very logical and were not something that I think the President of the United States should have to go out and try to certify or explain.

I happen to agree with that position. I asked the witnesses when they were here about whether or not we had a system that gave us the ability to control a covert force. I have the testimony here from Ambassador Nitze, from the Air Force Chief of Staff, from General Galvin, from Admiral Crowe. Admiral Crowe says, for example, "In this regard, General Welch's statement contains an excellent commentary on the difficulties of maintaining a viable force of missiles from initial production through years of operational deployment, even when allowed to do so in an open fashion. In the case at hand, the INF Treaty breaks a critical link in this cycle by banning all flight testing of ground-launched intermediate- and shorter range missiles."

I bring up the point because I certainly do not want it left as an unchallenged statement that we have not looked at these numbers, and that we have not been over them a number of times. I don't want an impression left that we don't know what we're doing, or that there are these huge differences that aren't explained.

The truth is they are explained. They are based upon intelligence techniques of analysis, and they are not hard figures.

That's why I think that showing these figures and indicating that somebody had been over there perhaps and counted them is just not the way we should approach this.

So, I hope the amendment will be defeated on public policy grounds. I am hopeful that in the future, if there is going to be information that we received originally on a classified basis, that there'd be a detailed account of where it appeared publicly. It is very difficult, Mr. Chairman, for us to discuss and to rebut arguments and statements based upon figures like this, and not avoid

classification, unless we know precisely where this first appeared in public print, or if there is something else.

And I would state this to the Senator from North Carolina, my good friend, that if these are out in the public print, I would like to know the sources so we can track back on the sources. It certainly is not helpful for our whole system of obtaining information here to be given numbers that we felt were at the code word level.

We are, therefore, required, as Senator Lugar and I are doing—and I hope other members do, and it has been done by the witnesses—to state that our intelligence estimates are very good, and they were fully revealed to us, and we believe them. And we certainly don't want the President of the United States to have to come through and make this kind of analysis.

So, I hope that, as part of a treaty, and public exercise, I hope, Mr. Chairman, that this amendment is defeated.

Senator HELMS. Mr. Chairman.

The CHAIRMAN. Senator Helms.

Senator HELMS. Mr. Chairman, I hope that the Senator did not charge that I released anything classified?

Senator ADAMS. I did not.

I asked you a question, Senator Helms, to please indicate where these figures publicly appeared.

I have one here where it says it is an unclassified letter——

Senator HELMS. Well, why didn't you ask me the sources before you made your statement?

Senator ADAMS. What is it?

Senator HELMS. Why didn't you ask me the sources? We'll give you the sources.

Senator ADAMS. I think they should be on the document.

Senator HELMS. Some of them are from the White House, some are from the Pentagon, they have been published in the New York Times—the whole thing.

Senator ADAMS. Oh.

Senator SARBANES. The fact that they are published in the newspaper——

Senator HELMS. Now wait a minute. I have the floor. I have the floor.

Senator SARBANES [continuing]. Doesn't take the classification' off the material.

Senator HELMS. Mr. Chairman.

The CHAIRMAN. Senator Helms has the floor.

Senator HELMS. You made an assertion at the outset—and I am tempted to have the reporter read it back—and if you in any way, sir, implied that I have ever leaked any classified material, I resent it and I reject it.

And I will say to you that I would never make a charge like that, even if I believed it about you, until I came to you and asked you. I resent it and I hope you will withdraw any implications in that regard.

Senator ADAMS. Senator, I have stated precisely what I got without any statement about where it came from——

Senator HELMS. I'm not talking about what you got. I'm talking about what you said.

Senator ADAMS [continuing]. And your letter, your letter, your comments, and mine was a request, which is if these documents are to be handed to us, we would like to know the public basis for them because we cannot discuss these unless we have, like you've done on one, which says an "unclassified letter" to you——

Senator HELMS. Well, why didn't you put it that way in the first place?

Senator ADAMS. I would be happy—and I did not challenge that. There is no unclassified reference on other items. If there is to be a discussion, we cannot have it both ways. We either have to have these closed, or we have to have them open. And the only way we can do this is not to challenge anybody either way, but to simply make the request that if this is going to be done, that we know the sources.

I have your letter. I have the clipping here. They speak for themselves, and my statements stand as I made them.

Senator HELMS. Well, what stands—your implication that I leaked classified material?

Senator ADAMS. No. That there——

Senator HELMS. I don't care anything about that. I'm going back to your first statement.

Senator ADAMS. My first statement was I do not know where these numbers came from and I wish that if they are nonclassified or in the public area, that information would be stated on the documents that we are receiving so that we will know that we can discuss them.

Senator HELMS. Do you want to play back your statement?

Senator ADAMS. I don't care. You can play back the tape any way you want.

Senator HELMS. That's not what you said.

Senator ADAMS. And I go to the point that Senator Sarbanes made, which is that the fact that something appears in the newspaper as a comment on an agency is far different than if it is sent in a committee hearing to each member as a statement of fact, because it gives an entirely different cast to it.

I am happy to have anything read back that you want, but that is my position. It is incredibly difficult.

The CHAIRMAN. I think that we should move on.

Senator KERRY. Mr. Chairman, may I ask a question for clarification.

The CHAIRMAN. I think Senator Evans was next.

Senator EVANS. Am I recognized, Mr. Chairman?

The CHAIRMAN. I recognize Senator Evans.

Senator EVANS. Well, I would yield if there is a question for clarification.

Senator KERRY. Yes, I had a question of clarification here because I am troubled and puzzled.

I just wanted to follow up with the distinguished Senator from North Carolina.

I attended the briefing also and listened to Judge Webster and the others, and I am looking at these categories here, which is the first time I have ever seen these in print, anywhere, other than up there.

Under the category of—I don't even know if I want to mention it—but under the first bar here, it says "State INR, CIA, NIE, July 17, 1987," after the large sort of dark line there is a number.

Senator HELMS. Yes. What is the Senator's question.

Senator KERRY. And then the next one says "State INR, CIA, draft NIE."

Can you tell us where those have appeared, what newspapers that came from? I have never seen it?

Senator SARBANES. Well, I want to make the point to the Senator that even if it appears in a newspaper, the material does not lose its classified status——

Senator KERRY. I am totally aware of that.

Senator SARBANES [continuing]. Because to do that constitutes an authoritative corroboration.

The newspapers write all kinds of things. They may or may not be accurate.

Senator KERRY. I understand that.

Senator SARBANES. The fact that some number may appear in a newspaper, which is a classified figure, doesn't then entitle you to treat it as an unclassified matter. And it's very important that that be understood.

In fact, that issue came up in a discussion in the Intelligence Committee, and the chairman of the Intelligence Committee made the point that yes, they handled classified information. On occasion something appeared in the press. That did not affect its classified status, and since they did not verify or corroborate it, it remains an unverified or uncorroborated piece of information, and continues to have the classified status.

Again, let me caution members not to assume that if classified material has appeared in a newspaper, its classified status has been removed, because then you are lending the material an authoritative statement which it otherwise does not have.

Senator HELMS. At what point did I corroborate anything?

Senator KERRY. May I finish my question? I think I have the floor here.

Senator HELMS. You do.

Senator EVANS. No, I think I have the floor.

The CHAIRMAN. I think Senator Evans has the floor.

Senator KERRY. And you yielded the floor to me for the purpose of clarification——

Senator EVANS. Right.

Senator KERRY [continuing]. And I'm trying to do that.

I do not disagree with one thing that the Senator from Maryland has said. I absolutely agree. I understand it doesn't change the classification, and that is a very important and central point.

But the assertion has been made and it is stated that these are public information. I would like to know for my own information where these have appeared publicly. I haven't seen them. I'd like to know that.

I still think that question stands, whether or not—and I agree it does not affect the question of its being classified.

Senator HELMS. Well, I will give the Senator a memorandum specifying all of the sources of the information. Obviously I don't have them in my head.

Senator KERRY. I appreciate that. I think it will be important for the record to have that.

Senator HELMS. But I will give you a memorandum.

The CHAIRMAN. Thank you.

Senator HELMS. But I will say—well, no. Let's let it go.

The CHAIRMAN. Senator Evans.

Senator EVANS. Thank you, Mr. Chairman.

Let me try to get back to the beginning.

I think the record should be made clear. The Senator from North Carolina said only the CIA and State—presumably that is the INR of the State Department—only those two gave apparently estimates that were close to the Soviets admitted number of SS–20's, and the rest of the intelligence community—it makes it sound as though there were these two isolated agencies out here against the whole sweep of the intelligence community.

There were only three, and two out of the three were close to the Soviet estimate. It's the DIA that is the third of the official intelligence estimates.

It reminds me of the old story, and I am not nearly as good a storyteller as my colleague from North Carolina, of the Soviet reporting to his bosses on the results of the two-man race with an American.

When asked how he did, he said, "I came in next to last." Well, when he was asked how he did, he said, "I came in third." And how did the American do, "He came in next to last."

Senator HELMS. Well, there are nine intelligence agencies—nine.

Senator EVANS. But there are only three who have issued——

Senator HELMS. Oh, no, there are nine.

Senator EVANS [continuing]. These official estimates. In fact, the very sweep that you have—well, I would add that there is a fourth that you have on this list, called "various press."

[Laughter.]

Senator EVANS. But there are only three. There are only three, even though there are seven or eight different elements here, there are only three agencies referred to. I would stand with that.

But I think what is important is not this argument over precisely how many missiles. I think it has been amply testified to during the course of these hearings that we have excellent, excellent verification procedures for the destruction of the missiles which have been admitted to on both sides, very good verification on any future testing, very good verification on the development of necessary operational frameworks or the manpower necessary to handle any kind of deployment of these missiles.

Frankly, Mr. Chairman, I think that, even if there were some covert missiles hidden someplace in a cave, we ought to take some perverse pleasure in requiring the Soviets to maintain a wasting asset that, as time went by, would be less and less valuable for any purpose.

Frankly, Mr. Chairman, I think that I may have a somewhat higher regard, or at least faith, in the President than the Senator from North Carolina appears to have, because I don't believe for 1 minute that the President, through all of his intelligence apparatus and all of his analytical ability, thought that there were a large

number of covert missiles which would, if there, cause a danger to the United States.

President Reagan would not have advocated this treaty, he would not have signed the treaty, and he would not have sent his people up here to advocate the ratification of the treaty.

I think, frankly, Mr. Chairman, that we are back to "crimson whales" again.

The CHAIRMAN. Thank you very much, Senator.

I would be remiss if I did not ask, until this matter is resolved, that we hang on to these tables and turn them over to staff.

I thank the staff.

Senator HELMS. Mr. Chairman, just for the record, the intelligence community——

The CHAIRMAN. No telephoto lenses.

[Laughter.]

Senator HELMS [continuing]. The intelligence community consists of the CIA, the DIA, the Air Force, the Army, the Navy Intelligence, the Marine Corps Intelligence, the NSA, State INR, and the DCI.

So, there were nine of them.

Senator EVANS. Those all go into the DIA.

Senator HELMS. No, they don't.

The CHAIRMAN. Senator Cranston.

Senator CRANSTON. Mr. Chairman, I would just like to say that Senator Murkowski and I are supposed to serve as liaison for this committee between this committee and the Intelligence Committee, on which both of us serve. I was told the first time I went to a code word briefing, before I was on the committee and when I went to that committee, I was told that you should not confirm in public, based on code word level information, what may have appeared in print somewhere.

When something appears in print, nobody knows how accurate that may be. It may be a leak of some sort; it may be inaccurate.

But when there is a confirmation attributing a specific number to State INR, CIA, NIE, or to NIE majority assessment with a particular date, or a Defense Intelligence Agency draft NIE of a particular date, that is helpful to those trying to figure out who is doing what in intelligence work in our country. That is why, basically, this chart does contain classified information which may or may not be verifying something that has appeared in public. Quite possibly that is the case. But still, that is an improper practice.

Senator SARBANES. Mr. Chairman.

The CHAIRMAN. Senator Sarbanes.

Senator SARBANES. Mr. Chairman, I just wanted to make one further point to follow along on something Senator Lugar said.

Senator Helms, in talking with Ambassador Glitman, made the point that if only the material received in closed session could be discussed in open session, we would see that it would be supportive of the positions he was asserting. I attended those closed sessions and I disagree sharply with that evaluation.

I think the material received in closed session is in fact, consistent with the positions that have been advanced here by Ambassador Glitman and others in open session. I simply make the observation that the chairman and ranking member of the Intelligence

Committee, along with their colleague, Senator Bradley, came before us, as did the chairman and ranking members of the Armed Services Committee,all of whom received extensive testimony in closed session, and they all reached a conclusion supportive of this treaty. They obviously did not evaluate the testimony received in closed session in the manner in which it has been evaluated by the Senator from North Carolina.

Senator KERRY. Mr. Chairman.

Senator HELMS. Well, of course, we can't discuss the details, so the Senator is expressing his opinions and I am expressing mine.

Senator SARBANES. No. I am not only expressing my opinion; I am also pointing out that the chairman and ranking members of the Intelligence and Armed Services Committees, expressing their opinions, disagreed with you. That's all.

Your charge was that if people could hear what was said in the closed session, they would reach your evaluation.

The fact of the matter is——

Senator HELMS. Well, we'll have to have the clerk read that back.

Senator SARBANES [continuing]. That our colleagues who have done that did not reach your evaluation.

Senator HELMS. Well, why don't you let me speak for myself, Senator.

I think we are getting to the point where we need to have what I said and what Senator Adams has said read back, because you are putting words in my mouth that I did not say, and Senator Adams said he did not say what he said. It's that sort of thing.

I have not violated any classification and never will. And I resent the implication that that has been done in this case.

Senator SARBANES. Mr. Chairman.

The CHAIRMAN. I don't think we are going to change anybody's——

Senator SARBANES. Mr. Chairman, I want to make it very clear.

I am not suggesting that you violated a security classification. I am making the point that you are evaluating the material received in closed session——

Senator HELMS. No, I'm not. The Senator's absolutely wrong.

Senator SARBANES [continuing]. Entirely differently than other members——

Senator HELMS. I resent that. That is not so.

Senator SARBANES [continuing]. Who have also received that material.

Senator HELMS. It is simply not so.

Senator KERRY. Mr. Chairman.

The CHAIRMAN. Are we almost prepared to vote?

Senator KERRY. Mr. Chairman, I have one question that I just want to ask first, and then make a comment.

This is a "Dear Colleague" letter. Did it therefore go to all of our colleagues in the Senate and not just on the——

Senator HELMS. We sent it to the——

Senator KERRY. The letter which transmits the document that is——

Senator HELMS. Well, I don't object to anybody seeing it because there is nothing in there that is untrue or classified.

Senator KERRY. Well, with respect to that question, if the identification for a particular number is stated to be either the State INR or CIA or "draft NIE," that, by definition, is classified; is it not?

Senator HELMS. No, sir.

Well, I don't know whether "by definition" or whose definition. But all I am saying is that I have not corroborated any reports.

These reports have come from the White House, from the President himself about violations, the whole works.

Now, I have not corroborated. I have not used any classified information.

What is on this chart and in this letter has been public information for a long time, and I neither confirm it nor deny it. I lay it before you for your consideration and for no other purpose whatsoever.

Senator KERRY. Mr. Chairman, as to the discrepancy which has been raised as the central issue, there is a letter which you received today. It just came in today from Secretary Carlucci in response to your letter of February 4, in which you requested that the Defense Department respond to discrepancies and criticisms which were raised, particularly in the AEI paper.

And on page 9 of an inclusion to the letter sent by Secretary Carlucci in an unclassified answer, he says the following: "We have made it clear that there are some differences within the United States intelligence community over estimated numbers of Soviet systems. It is not surprising that there are differences of opinion. They reflect independent analysis which add to the strength of our monitoring process. The Soviet numbers for deployed and nondeployed forces are, for the most part, near the estimates of our intelligence community, allowing for the range of our uncertainties. However, there are some differences in agency views on the number of nondeployed SS–20's. Estimates for nondeployed systems are, of course, inherently less certain. They vary by agency, reflecting the independent analysis noted above. "There are three agency views," which is exactly what the Senator from Washington has said. "Two are close to the Soviet declared number, one is not."

So, I think the Secretary has addressed directly what Senator Sarbanes and Senator Lugar have said is an issue of judgment, and I think that really is what the vote is about.

Senator HELMS. Would it be possible for me to have a copy of that letter, Mr. Chairman?

The CHAIRMAN. Sure. Here [indicating].

Senator HELMS. I have not received it.

The CHAIRMAN. Are we prepared to vote?

Senator SARBANES. Yes.

The CHAIRMAN. Good.

The clerk will call the roll.

Ms. ALLEM. Mr. Biden.

[No response.]

Ms. ALLEM. Mr. Sarbanes.

Senator SARBANES. No.

Ms. ALLEM. Mr. Cranston.

Senator CRANSTON. No.

Ms. ALLEM. Mr. Dodd.

The CHAIRMAN. No, by proxy.
Ms. ALLEM. Mr. Kerry.
Senator KERRY. No.
Ms. ALLEM. Mr. Simon.
The CHAIRMAN. No, by proxy.
Ms. ALLEM. Mr. Sanford.
The CHAIRMAN. No, by proxy.
Ms. ALLEM. Mr. Moynihan.
The CHAIRMAN. No, by proxy.
Ms. ALLEM. Mr. Adams—I'm sorry, I omitted Mr. Adams.
Senator ADAMS. No.
Ms. ALLEM. Mr. Helms.
Senator HELMS. Aye.
Ms. ALLEM. Mr. Lugar.
Senator LUGAR. No.
Ms. ALLEM. Mrs. Kassebaum.
Senator KASSEBAUM. No.
Ms. ALLEM. Mr. Boschwitz.
Senator HELMS. No, by proxy.
Ms. ALLEM. Mr. Pressler.
Senator HELMS. Aye, by proxy.
Ms. ALLEM. Mr. Murkowski.
[No response.]
Ms. ALLEM. Mr. Trible.
Senator TRIBLE. No.
Ms. ALLEM. Mr. Evans.
Senator EVANS. No.
Ms. ALLEM. Mr. McConnell.
Senator MCCONNELL. No.
Ms. ALLEM. Mr. Chairman.
The CHAIRMAN. No.
On this vote, there are 15 nays, 2 yeas.
The amendment is not agreed to.
I would ask that the record be kept open so that anyone not recorded could be recorded.
There is a rollcall vote going on on the floor. I would suggest that we go over and vote and maybe handle the final Helms amendment when we get back.
So, let's meet here again in about 10 or 15 minutes.
[A brief recess was taken.]
The CHAIRMAN. The Committee on Foreign Relations will come to order.
The Chair recognizes the ranking minority member, Senator Helms.
Senator HELMS. Thank you, Mr. Chairman.
From time to time it may appear to the public that we are getting a little testy around this place, but, really, that's not so. I recall a lot of instances down through the years where Senators have locked arms after having locked something else during debate.
The CHAIRMAN. To make a bad pun, unfortunately they never get lockjaw, though. [Laughter.]
Senator HELMS. I want to enjoy that as much as they did. What did you say?

The CHAIRMAN. I said we never get lockjaw.

Senator HELMS. Lockjaw. That's right. That's right—particularly me.

First of all, let me just set the record straight.

I mentioned to Senator Kerry that we would supply a footnoted version of the chart with the public source for each of the estimates.

Now, let me make clear, because it bothers me to even have it implied that I would willfully or otherwise violate classification, which has not been the case, there is no classified information involved, notwithstanding some of the remarks that have been made.

I did not confirm, nor did I corroborate or deny the content of the reports, even though some of them came from the White House, some of them came from the State Department, some of them came in unclassified letters to me in response to inquiries I had made.

At no point in this chart or otherwise have I referred to any classified information.

Now, one Senator did, inadvertently—he didn't mean to do it—he said that these figures are the same figures that I heard in classified session. The fact is he did not hear those figures in classified session. But I know he thought he did, and, of course, he had no intent to reveal any classified information and, of course, he did not.

In cover letter to the chart—and we can make this available to anybody who wants it, including the media, if they want it.

I said very explicitly that these are, these figures are based on published sources. But, here again, the published sources came, in many cases, from authoritative people in the administration, and no classified in those, insofar as I know. We tried to be careful.

Now, I am not going to comment on any figures in any classified session, nor am I going into any statements. Some people were making people about they were there when they were not there because there have been a lot of code word level sessions and so forth.

But I don't attribute any bad faith to any Senator, and I hope they don't attribute any to me.

Now, just as a down payment on the memorandum that I told Senator Kerry that I would provide, I'm going to ask staff to distribute at this time some of the materials which served as the basis for the figures that were in the chart and the discussion we had earlier.

[The information referred to appears in the appendix.]

Senator HELMS. This is not all of it. You know, we have to go and find it and copy it and so forth. But we'll make it available to all Senators.

Now, one of the things we are distributing is an item from the Wall Street Journal of February 3 and one from the Washington Times of February 5, and these contain some, but not all the figures, that are included in the materials.

We also are making available copies of Admiral Crowe's testimony before the Armed Services Committee, which reveals some of these numbers, as well as relevant portions of an interesting document, "Soviet Military Power: 1987," from which other figures

were taken, as well as other published sources for the alleged intelligence estimates.

Now, then, Senators may say why do we deal in published reports? The answer to that is obvious—because this is part of the dialog in any debate. After all, people who work for the news media are not dummies. There may be some occasions when they will conjure up some figures, but they got them from pretty reliable sources.

My point was to have us analyze, speculate upon, and consider this information, which is within the ball park, and that's as far as I'm going to say. I'm not going to qualify that one bit.

So, I say all of this, Mr. Chairman, because I don't want any of us—and certainly I will never do it—to accuse another Senator implicitly or explicitly of disclosing classified information.

I have never done it and I never will.

And I thank the Chair.

The CHAIRMAN. Thank you, Senator Helms.

We now come to see what amendments are before us.

Senator Helms still has the right to one amendment before Tuesday at 3, and Senator Pressler has four that he has offered. He also has two reservations that he has offered, two conditions.

In addition to that, there is one from Senators DeConcini and Lautenberg, and there is also to be taken up on Monday afternoon the question of the interpretation, the nettlesome problem of that amendment.

So, the Chair is open, the committee is open for consideration of any amendments.

I wish Senator Pressler's staff were here.

Senator HELMS. He told me over on the floor, Mr. Chairman—and that was one reason I was late—that he is interested in the legislation now pending in the Senate, which is a problem for some of us, and he said he was not going to be able to make it.

So, my consideration for your consideration, is that maybe we call it quits for this morning, but that would be a judgment for the chairman to make and not me.

The CHAIRMAN. I think you are undoubtedly right because there is no amendment, no pending business left. I would also like to announce that my plan would be to take up the DeConcini-Lautenberg amendment on request this afternoon, too.

Senator HELMS. Very well.

Senator EVANS. Mr. Chairman.

The CHAIRMAN. Senator Evans.

Senator EVANS. Is there any way of knowing whether Senator Pressler will be here to press his amendments this afternoon?

I, and I think the other members as well, have set aside full days to try to accomplish this treaty in a timely fashion, and would be very disappointed if we are delayed in that effort because the Senator won't show up and offer his amendments.

The CHAIRMAN. Well, we can take up the DeConcini amendment at 2 o'clock.

Senator EVANS. Yes, I understand that.

The CHAIRMAN. And then I would hope very much that Senator Pressler would turn up this afternoon with his amendments.

Senator HELMS. Let me say, Mr. Chairman, and I say this with all deference and respect to my colleague from Washington, that it is not quite, let me use a word that he used, "fair."

We do have a rule in the Senate that no committee can meet, save by unanimous consent, beyond 12 o'clock, or 2 hours after the Senate convenes. In this case, by inadvertence, the unanimous consent back on December 23 covered not only the hearings but the markup——

Senator EVANS. I understand that.

Senator HELMS [continuing]. Which gave me a little bit of heartache, but not much.

But Senator Pressler did say he was tied up.

Now, I am not speaking for him. Does he have a staff person here?

[No response.]

Senator HELMS. Well, I am sure—just get a hold of a staff person and let the chairman know.

Senator Pressler is a faithful Senator and he does the best he can. All of us have four places to be at one time, as I am sure the Senator from Washington does.

The CHAIRMAN. I would suggest that we meet here at 2 and we can do the DeConcini amendment, and would hope that Senator Pressler will be along.

Senator HELMS. Fine.

Senator EVANS. Mr. Chairman.

The CHAIRMAN. Senator Evans.

Senator EVANS. Are we planning as well to meet tomorrow morning again at 10?

The CHAIRMAN. If we have not finished with the Pressler amendments, yes, and tomorrow afternoon if we have not finished with the amendments.

The committee is recessed until 2 o'clock.

[Whereupon, at 12:05 p.m., the committee recessed, to reconvene at 2:12 p.m., the same day.]

AFTERNOON SESSION

The committee met at 2:12 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Claiborne Pell (chairman of the committee) presiding.

Present: Senators Pell, Sarbanes, Cranston, Adams, Helms, Lugar, Kassebaum, Pressler, Trible, and Evans.

Also present: Ambassador Maynard W. Glitman, Chief INF Negotiator, and Head, INF Delegation.

The CHAIRMAN. The Committee on Foreign Relations will come to order.

While we do not have a quorum, we do have Senators Cranston, Adams, and Pressler here, and I thought we should start at least talking.

I believe Senator Pressler wishes to be recognized.

Senator PRESSLER. Mr. Chairman, I have an amendment which I wish to offer. I believe it has been distributed to everyone. If not, we'll get copies of it distributed. I want to be sure that everyone has a copy.

Yesterday we had considerable debate on an amendment I offered, and it was defeated. So, we have adjusted this amendment to try to meet the arguments that were presented yesterday. I offer this as a positive improvement to the treaty.

This is certainly not a "killer amendment."

This morning, I was privileged to have breakfast at the White House. Let me assure you that the White House's position is that certain amendments or changes at the end of the resolution might be acceptable.

The White House will look at whatever the Senate passes.

Yesterday, we had an exchange about some of Secretary Shultz' comments. But it strikes me that the official position of the administration is that if the Senate should add something to the treaty, they would look at it to determine whether or not they would support the entire treaty.

I think it is a misinterpretation to suggest that the White House has taken the position that if the treaty is changed at all, they will oppose the treaty.

That being said, this amendment places a condition on the resolution of ratification. The purpose is to make consent to ratification conditional on a Presidential certification that any conventional force imbalance resulting from the proposed treaty will not jeopardize the security of NATO.

At the end of the resolution consenting to ratification insert, before the period, the following condition—and this is not to the treaty, it is to the resolution consenting to ratification—the following language: "subject, however, to the condition that the President is not authorized to sign or exchange instruments of ratification unless and until he has, without delegation, certified to the Senate that after the eliminations contemplated by this treaty, any conventional force imbalance between the deployed and reserve conventional forces of the United States and the North Atlantic Treaty Organization—hereinafter 'NATO'—and the reserve and deployed conventional forces of the Union of Soviet Socialist Republics and the Warsaw Pact will not jeopardize the security of NATO or of the United States military personnel stationed in Europe or the dependents of such personnel."

I would ask my colleagues whether they might not accept this amendment in view of the speeches yesterday.

First of all, let me retreat to state the reasons I am concerned about this treaty going forward without conventional forces in Europe being addressed.

I know we can't do everything in one treaty. But, as I have said, I think we are giving up our trump card, while allowing the Soviets to keep theirs.

This amendment really does not correct that, but it does address it in probably the best way it can be addressed.

As I said earlier, when I was a Congressman many years ago, the reason given to me to vote for funding for the INF missiles was to protect the lives of servicemen, to protect NATO troops because of the 4-to-1 advantage of the Soviet Union in conventional forces.

Let us also remember that the Soviet Union plays the game of conventional forces the best. They have combat ready divisions in

other countries in Europe—Poland, Czechoslovakia, Hungary, and East Germany and the Soviet Union itself.

Most of the West's divisions are hardly combat ready, in my judgment. But the fact is that we will have a Europe in which the Soviets have a 4-to-1, at least, ratio or advantage in conventional forces.

Now, the United States and NATO must maintain a strong nuclear deterrent in order to preserve deterrence against the Soviet-Warsaw Pact conventional force advantages. We need our nuclear deterrent, unless we can achieve negotiated parity in NATO-Warsaw Pact conventional forces.

Because the proposed INF Treaty removes the main United States nuclear deterrent, it can only be acceptable if accompanied by negotiated Soviet-Warsaw Pact reductions to parity in conventional forces, in my judgment.

This is why I offered the amendment yesterday, which was defeated.

So, I have changed this amendment and softened it considerably, and attached it not to the treaty but to the resolution, and just made it a certification by the President.

I think that this would serve two purposes.

One, it would serve a useful political purpose in Europe and with the Soviet Union.

Second, it would serve a dramatic purpose regarding the upcoming START talks. The President is going to Moscow in June and it is my judgment, my fear, that he may well enter into an agreement which the Senate may well not be able to accept if it does not deal with the conventional forces issue.

So, my amendment has two purposes: One, a national defense purpose; and, two, to send a very clear signal, both to President Reagan and the Soviets, that the United States Senate will assert its constitutional duties, especially in regard to a long-range missile treaty.

I have a great fear that in the long-range missile treaty we will be at a disadvantage if the President comes back after having made commitments that perhaps will have to be fulfilled by the next President.

Let me also say that I read in the New York Times in December that the President had indicated to our European allies that we were going to modernize our conventional forces and our other nuclear weapons in Europe.

I don't know whether the American people have been fully informed of this additional cost or whether we have the money in our budget. We have a huge deficit.

If we have to do that as one result of the INF Treaty, that is something people have not thought about.

I have also noted that the tone of witnesses here from the administration has changed. In the very beginning, most people said yes, let's have the INF Treaty, but we have to have modernization of our forces, which means a building up in Europe. We must have modernization of the LANCE.

Those types of statements have stopped recently because, I believe, the administration is so eager to move this treaty forward

without any question or amendments. Some seem to be waiting until after it gets passed before looking seriously at the downside.

But I predict—and I will be around here until 1991, at least; hopefully longer—I predict that in the next 2 years, we will have requests from the Pentagon for major appropriations to strengthen conventional forces to make up for the consequences of the INF Treaty.

Let's hope I'm wrong, but wait and see.

Now, in conventional forces, the Soviets and the Warsaw Pact have an overall conventional advantage over NATO of at least 3-to-1. The specific comparisons, as computed from unclassified Defense Department estimates, are as follows: The Soviet-Warsaw Pact, a 2-to-1 advantage in main battle tanks; the Soviet-Warsaw pact, a 2.3-to-1 advantage in heavy artillery; the Soviet-Warsaw Pact, a 1.3-to-1 advantage in armored personnel carriers; the Soviet-Warsaw Pact, 1.2-to-1 advantage in tactical aircraft; the Soviet-Warsaw Pact, a 2.4-to-1 advantage in interceptor aircraft; the Soviet-Warsaw Pact, a 6-to-1 advantage in intermediate-range bombers; the Soviet-Warsaw Pact, 25-to-1 advantage—a 25-to-1 advantage—in chemical decontamination equipment; a Soviet-Warsaw Pact advantage of 700,000 tons to zero in modern deliverable chemical munitions.

Now, the Pershing II nuclear deterrent was the shield that prevented these conventional force imbalances from becoming decisive. Instead of massive spending for more conventional arms to try to counterbalance these huge Soviet-Warsaw Pact advantages, the United States and NATO deployed the Pershing II and GLCM INF in late 1983.

"Soviet Military Power: 1987" states: "In the Soviet view, their preponderance of power in conventional forces means the West must rely, to a significant extent, on nuclear weapons to deter a major conventional attack." This means that if the INF Treaty deprives us of our nuclear deterrent, we can only deter aggression if NATO and Warsaw conventional forces are equal.

Dr. Henry Kissinger correctly told a NATO audience in 1979 that the United States, throughout the postwar period, has been more dependent on its strategic forces than the Soviet Union has been on its own. The U.S. strategic force dependence is called the "U.S. nuclear umbrella."

In the overall strategic nuclear intercontinental comparisons, the Soviets have about 3,000 more nuclear warheads than the United States, counting the military effects of their many SALT violations.

More significantly, the Soviets have about a 6-to-1 advantage over the United States in ICBM capability, giving them an offensive, first-strike capability.

The Soviets also have an emerging nationwide ABM capability prohibited by the ABM Treaty.

Thus, in the overall strategic nuclear intercontinental comparison, the balance has shifted strongly against the United States, making the so-called United States nuclear umbrella strategy to deter Soviet-Warsaw Pact aggression against NATO a noncredible strategy.

The Pershing II is the principal United States deterrent weapon because only this weapon has the speed, accuracy, and yield to

attack targets of great value to the Soviet leadership—in the Kremlin, and in the leadership underground command bunkers near Moscow.

By eliminating the Pershing II, the INF Treaty makes impossible United States reliance on nuclear weapons as a deterrent to Soviet conventional force supremacy.

Hence, we need negotiated conventional force parity if the INF Treaty is going to be acceptable.

President Reagan stated to Congress in March 1987 that neither NATO retaliatory nor defensive programs can begin to match the Soviet effort in the production, transfer, and use of chemical and toxic substances for hostile purpose, and in maintaining an offensive biological warfare program and capability.

"The Soviets will develop genetic engineering weapons as an asymmetrical response to the United States Strategic Defense Initiative," a Soviet official stated recently.

The principal NATO deterrent to the Soviet chemical-biological warfare capabilities is also the United States nuclear capability in NATO, especially the Pershing II.

As noted, the Pershing II is the principal U.S. deterrent weapon in NATO. But this weapon can be eliminated by the INF Treaty.

The Pershing II is the only system that will meet the NATO deterrent guidelines, by being able to strike key targets quickly and accurately, deep inside the Soviet Union.

What is the effect on the credibility of deterrence or the required removal under the INF Treaty of the Pershing II's if no remaining systems can replace their capability?

By eliminating the Pershing II, the INF Treaty also cripples the NATO ability to deter Soviet CBW capabilities.

In NATO exercises and wargames, SACEUR has to seek nuclear release authority within 2 weeks after a Soviet-Warsaw Pact attack on NATO. What nuclear forces would SACEUR have to deter Soviet-Warsaw Pact conventional aggression after the INF Treaty wipes out our Pershing II's and GLCM INF forces?

Here is an unclassified listing of NATO nuclear warheads remaining after the Montebello decision to reduce NATO nuclear warheads from 7,000 to 4,600 and after the INF Treaty requiring the further reduction to 4,000 warheads. I have them listed here and I will not go through them for the committee.

But none of the above systems have the range, swiftness, accuracy, and megatonnage of the key NATO nuclear deterrent system, the Pershing II. The point I am making here is that we are giving up our trump card at this time, without having negotiated the Russians' trump card, which is their conventional forces advantage.

Some will say that after this treaty is in place we can go on to the next one. But we will have lost our leverage.

Only the F-111 could possibly substitute for the Pershing II to strike key command, control, and leadership targets deep inside the Soviet Union. But it has a radius of only 300 miles unrefueled, and 1,000 miles refueled.

Moreover, Soviet-Warsaw Pact air defense capability has increased greatly since the NATO dual-track decision in 1979, when the decision was made to supplement the F-111's and the Pershing II's.

Under the INF Treaty, what does NATO have that can go past a 3,000-mile range, unless we refuel F-111's?

Are those 4,000 NATO warheads left, most of which have either no range or a very short range, a credible deterrent to the Soviets?

Was the Montebello reduction of about 2,400 warheads reciprocated by the Soviets? Did it represent a unilateral reduction or contribution to denuclearization of NATO?

It is clear that the Pershing II is the only system that will meet the NATO deterrent guidelines by being able to strike key targets quickly and accurately deep inside the Soviet Union.

What is the effect on the credibility of deterrence of the removal of the Pershing II's with no remaining system that can replace their capability?

There are grave dangers in relying on 400 SLBM's dedicated to SACEUR for NATO deterrence of the Warsaw Pact. The use of strategic intercontinental weapons for theater deterrence is extremely dangerous and not credible to the Soviets. Such reliance also dangerously increases the already severe United States strategic intercontinental inferiority to the Soviets.

So, in sum, Germany, both East and West, would become a conventional and nuclear-free fire zone under the INF Treaty, in my judgment, unless we adopt an amendment. If the Pershing II is the main NATO deterrent weapon, the INF Treaty, by removing this weapon, takes away the very basis of deterrence. The INF Treaty puts NATO on a slippery slope, leading toward the denuclearization of Western Europe, which has been a fundamental objective of Soviet foreign policy since the early 1950's.

The denuclearization of Western Europe would make the region safe for Soviet conventional aggression and result in the neutralization of Western Europe due to the threat of Warsaw Pact conventional might.

Under the INF Treaty, NATO sacrifices the credibility of its deterrent without amendment.

Now, the INF Treaty can be made better and deterrence strengthened if the treaty were accompanied by negotiations requiring NATO-Warsaw Pact conventional force parity. This is why I introduced the amendment yesterday, which did not pass. So, I have modified it substantially.

Now, my amendment failed yesterday. Today, I am offering not an amendment, but a condition on the resolution of ratification. If adopted, it would not require renegotiation of the treaty.

The purpose of this condition is to prevent treaty ratification until the President certifies to the Senate that elimination of our INF forces will not jeopardize the security of NATO or of the U.S. military personnel stationed in Europe, or the dependents of such personnel.

An argument that was made to me in 1975, when I was in the U.S. House, was that part of the reason for putting the missiles in was to protect the lives of U.S. servicemen and their dependents.

It seems to me that this is the minimum condition we should be willing to place on this treaty.

We have been told repeatedly by administration witnesses that NATO defenses would not be jeopardized by ratification of this treaty. We have also been told that a negotiation would follow on

conventional forces. But the fact of the matter is that our negotiators have been meeting for 15 years in Vienna at the MBFR talks.

If we approve ratification of this treaty without some condition, I can imagine the next President will come to Congress and say NATO's ability to deter a conventional attack is not strong enough; we need to spend more money to beef it up.

But we already are spending about $150 billion on NATO defense, and I say that as one who voted for the Nunn amendment.

Many witnesses have argued that NATO's conventional weaknesses, relative to the Warsaw Pact, predate this treaty. I cannot imagine how removal of the INF missiles resolves that problem.

So, Mr. Chairman, in conclusion—I do not know whether we have a quorum, but I thought I would save time by debating this now, and I would like to give a summary when we do get a quorum. As I said at the onset, it is the White House's position that they will look at the treaty when the Senate finishes with it to determine whether or not they support it.

But I think under our constitutional responsibilities, we have a duty, if we feel the treaty is not complete, to add to it or subtract from it. I think the votes in this committee have made it pretty clear that this committee will not amend the treaty. So, I have decided to take this approach, which I hope my colleagues will accept.

I think I have met each of the arguments made by my good friends yesterday.

The CHAIRMAN. Thank you very much, Senator Pressler.

Maybe Ambassador Glitman would care to comment.

Ambassador GLITMAN. Thank you. I would be happy to.

First of all, I think it is important to note that the treaty does not deal with conventional forces. In your leadin it says "any conventional force imbalance resulting from the proposed treaty."

Well, the proposed treaty will not affect conventional force balances, obviously, since it doesn't deal with them.

What it does do, of course, is stand on its own merits in dealing with the problem that it set out to deal with; namely, the problems that we and our allies faced as a result of the Soviet SS–20 and other nuclear INF missile forces. It does that by eliminating those forces, and the inherent threat that those forces carried with them.

The treaty will strengthen stability by helping reduce the risk of war, nuclear war, and conventional war, and it does that by removing any possibility that the Soviets might miscalculate that by threatening to use their INF forces against our allies, that we might somehow not be prepared to join with our allies in defending them. So, it has a very important impact on that aspect of the conventional situation, because of its positive impact on strengthening stability.

Senator Nunn, in his discussion with this committee on Tuesday, I believe, talked about some of the problems that we face in the conventional side. I happen to agree with him in large measure, including his concern about what he referred to as a "slippery slope road."

I also agree with him that how we handle that future is very much in our hands, and I don't think we need to accept the gloomy forecasts of either decoupling or failure to deal with the conventional problem. It is up to us and our allies to deal with it. This

treaty has no impact whatsoever on that capability, except a positive one; namely, the one that I cited, and, in addition, the fact that it does show that we and our allies can work together against a good deal of opposition, both within countries, as it occurs, and from the Soviets in trying to prevent us from the deployments in the first place.

So, I believe that that is also an important factor.

You talked about the Soviet ability to use chemical and other weapons. I would only note that the treaty will remove from the Soviet arsenal some of their short-range missiles which we believe have both a chemical and a conventional capability, one which the Chiefs were most concerned about. So, to that extent, we will have a positive impact on the conventional side from the treaty.

I do not believe, as I said, that this treaty would lead to the denuclearization of Europe. That is up to us and our allies, to prevent that from happening. I very much hope that we will do that, that we will prevent that from happening.

Finally, I would only note that the President, the Joint Chiefs of Staff, and General Galvin have all stated that they favor this treaty and that they believe it will strengthen our security, rather than jeopardize it, and that we have to take into account both the conventional and the nuclear side.

So, it seems to me that, on balance, I don't think we need this condition. I think this condition, as written, would effectively place the President in a position of having to sign on to something which, by the very nature of having put the treaty forward, he has already said is done; namely, that this treaty will not jeopardize our security. On the contrary, he would not have put the treaty forward if he didn't think it would strengthen our security.

I think I will stop with that, Senator.

The CHAIRMAN. Thank you very much.

Senator Cranston.

Senator CRANSTON. It seems to me that, based upon what Ambassador Glitman has said and based upon other factors, this is an unnecessary amendment.

The President obviously wouldn't negotiate or sign an INF Treaty that would "jeopardize the security of NATO or the United States military personnel stationed in Europe or the dependents of such personnel," to quote the proposed amendment.

The President has already made clear that INF does not jeopardize NATO. So, have authoritative witnesses before this committee for our military, for the intelligence community, and for the State Department.

To quote the Secretary of Defense, Mr. Carlucci, in responding to a question from Senator Pressler, he said:

> Bear in mind this treaty was not designed to solve the conventional imbalance. It was designed to take out a certain class of highly threatening weapons, weapons that could strike the ports and facilities that we need to use to reinforce our servicemen and our NATO allies in Europe. And there are asymmetrical reductions, which are to our advantage.

NATO leaders have lauded INF. All NATO leaders have supported it. The Soviets retire missiles delivering several times more warheads than the United States systems, so how could this jeopardize America's interests in any way?

We capture and retire many more Soviet SS–20's than they did NATO Pershing II's. We'll be far better off with the INF Treaty than we were when President Carter began the two-track decision way back in 1979.

I would like to say this regarding the opening remarks of the Senator from South Dakota.

Of course the White House has not said it would oppose the treaty if any condition, understanding, reservation, or amendment were attached to it. That would be ridiculous, and it would debase the role of the Senate in the treaty process and the right of the Senate—and we have that right—to make revisions of any sort we think necessary.

But we should only attach conditions that are absolutely necessary, and this one is absolutely unnecessary.

I'll be opposing proposals for amendments or other forms of propositions to attach something to the treaty or to the resolution of ratification even when I agree with the substance of the proposal because I don't think we should clutter up the treaty with unnecessary baggage.

Once we open the door unnecessarily—we may find it necessary, in some cases or cases—but once we open the door unnecessarily, it will be that much more difficult to fend off other proposals that might turn out to be truly damaging.

So, for all these reasons, I urge defeat of the amendment.

Senator PRESSLER. Let me say in response that this is not an amendment to the treaty.

Senator CRANSTON. Well, whatever it is.

Senator PRESSLER. It is a condition that does not have the force of an amendment. I did offer an amendment yesterday. It failed. I feel very strongly about this. I have met all the requirements of those who opposed my amendment.

Let me say in regard to Mr. Glitman's statement that it was in regard to the INF Treaty, the basic merits of it. This amendment—it's not an amendment, I'm sorry.

Senator CRANSTON. OK. We've both made that mistake now.

Senator PRESSLER. I offer an amendment which is a resolution.

The CHAIRMAN. Which is a condition.

Senator PRESSLER. Which is a condition—and it does not require that conventional forces be in parity, as my amendment did yesterday.

This condition requires that the President certify that our forces and those of NATO will not be imperiled by some of the results of the treaty.

So, I feel very strongly about that.

I predict that on the Senate floor there will be this amendment or a similar one offered, and I predict it will carry there.

I would, very frankly, doubt that it will carry in the Foreign Relations Committee. But it will be reoffered by myself or others on the floor.

I feel that it is a very necessary thing, not only for this treaty but for the signal it gives to the President as he departs in May to meet with Gorbachev.

I sincerely hope that commitments are not made that would be very difficult for the U.S. Senate to follow up on.

The CHAIRMAN. Thank you.

I would add here that in an exchange with Secretary Shultz, I said that some have argued that this agreement leaves the West vulnerable to Soviet advantages in conventional forces. Secretary Shultz replied to me that, "the treaty improves the nuclear balance and does not and cannot resolve the longstanding conventional imbalance. That was never its intention. But, to the extent that the treaty eliminates systems which could target nuclear, conventional, or chemical warheads against NATO's ports and airfields, it does help improve NATO's conventional posture. Disparities in the conventional balance are long outstanding. The alliance is taking steps to meet the challenge."

So, I think the administration, and Admiral Trost's exchange with you, Senator Pressler, would indicate that there was always concern, but there is no undue degree of concern for the security of our troops.

I would like to ask Ambassador Glitman what his understanding, as an authoritative witness, is of the administration's position with regard to adding conditions or understandings to the treaty.

Was Senator Pressler's reflection of the administration correct, that there would be no specific objection to one being added?

Senator PRESSLER. Well, that's not quite what I said.

The CHAIRMAN. Oh? I'm sorry.

Senator PRESSLER. I said, as I understood Senator Baker this morning, that their feelings are that they have not taken a hard-and-fast position against any changes. No doubt the Senate, as a whole, will add some conditions or some amendments.

But I think yesterday there was some language read here that suggested that any changes in it would cause Secretary Shultz to withdraw his support for it. That, as I gather, is not the position of the administration. They might not support it, but they have not said that.

The CHAIRMAN. The administration certainly should look at whatever any Senator proposes to them. They should take a look at it, at least.

Senator PRESSLER. Hopefully, yes.

The CHAIRMAN. Senator Lugar.

Senator LUGAR. Mr. Chairman, I would agree that this condition is an internal matter, involving at least an understanding between our President and Congress and the rest of the country.

But I think we ought to look carefully at the text of the condition itself. Among the things to be certified is that condition that "the reserve and deployed conventional forces of the Union of Soviet Socialist Republics and the Warsaw Pact will not jeopardize the security of NATO or of the United States military personnel stationed in Europe or the dependents of such personnel."

It would seem to me, Mr. Chairman, on the face of it, that the Warsaw Pact nations do, in fact, jeopardize the safety of all of our people there. They are armed, they are in superior quantity. They have been jeopardizing our people for 40 years.

The President of the United States could not possibly certify that these people are not in jeopardy.

I am not trying to reinterpret the condition of the Senator, but on the face of it, this doesn't make sense.

Senator PRESSLER. Well, if you read up a little bit earlier, it says "any conventional force imbalance." That is what would jeopardize them. Of course, they are jeopardized per se, I suppose.

Senator LUGAR. The question is "Why"? That is the point that I'm making.

Senator PRESSLER. But for purposes of the legislative history of this, up earlier in the fourth line, where it says "any conventional force imbalance" between them is what would jeopardize them.

The intent of the condition is if the President could not certify that, the treaty would not go into effect.

Senator LUGAR. I would just return to the Senator's point that per se they are jeopardized. I don't know how "imbalances" could be defined or how great the imbalances have to be.

I am saying that even if conventional forces were in balance, if we came to some idea that we had parity—and that would be very hard define, as all Senators know—our people are still in jeopardy.

Now, the President cannot certify that those people are not in jeopardy given the offensive force structure of the Warsaw Pact.

Senator PRESSLER. Well, I think we are debating about what the antecedent is here.

Would my colleague support the amendment if we changed the wording? And when I say "amendment," it is an amendment in this process that we are in now. It is not an amendment to the treaty.

Would my colleague support it if we changed it to make it more clear that we are talking about the conventional force imbalance, as it says up there?

Senator LUGAR. No, that would not help because, given the purposes, force structure and capabilities of the Warsaw Pact, whatever the force ratios, it constitutes a threat which places the people of Europe in jeopardy. I don't think the Senator can cure this particular amendment.

He might try another one out for size, but I think this one is deader than a doornail. It just does not make sense for a President to try to attempt to certify this.

Senator CRANSTON. Mr. Chairman.

The CHAIRMAN. Senator Cranston.

Senator CRANSTON. I think the Senator from Indiana has made a very good point, that with forces like those that we have poised for action and those that the Soviet Union have poised for action, there is a jeopardy on all sides, and the President could not certify that there was no jeopardy.

We're in jeopardy in this room. We are in the middle of a Soviet target.

When I was in Moscow 2 weeks ago with other Senators, I was in jeopardy, we were, because we were in an American target. We are all in jeopardy until we end the circumstance.

Senator PRESSLER. Well, you are giving it a pristine meaning here. When it says "jeopardize the security of NATO or of the United States military personnel," of course we are all in jeopardy——

Senator LUGAR. "Or the dependents of such personnel."

Senator PRESSLER. Yes, "or the dependents." That is exactly what Secretary Rumsfeld used to argue to me, when I was a Congressman, to vote for the installation of these missiles.

Of course, we are all in jeopardy walking down the street, I suppose. You can't guarantee nobody is not in jeopardy.

But that is really twisting the meaning of this.

What it means is that any conventional force imbalance which is great enough to jeopardize our troops. Of course, if you say that any of us can consider ourselves in jeopardy just sitting here, well, then, perhaps we should vote against this amendment.

But it is a pretty straightforward amendment. It means what it says.

The CHAIRMAN. Thank you.

Senator Evans.

Senator EVANS. Let me try to help my friend from South Dakota, at least initially.

Aren't you really trying to say—technically, I suppose, you could add a word in and correct this, by adding the word "additionally," and could say "and the Warsaw Pact will not additionally jeopardize" from the imbalance. So, it would be clearly then adding to the jeopardy by the imbalance of deploying.

Senator PRESSLER. Well, that might be a good idea. I certainly never claim my amendments are the last word.

Senator EVANS. Well, if that helps. But I am not suggesting that it would gain my support.

Senator PRESSLER. I think that might make it clearer.

Senator EVANS. It might make it clearer.

With that, then, let me ask a question of the Senator from South Dakota.

I understand what you are trying to get at and I think that wording might make it clearer. But does the Senator believe that the President signed the treaty believing that the conventional force imbalance would put our troops into additional jeopardy?

Senator PRESSLER. Let me explain what I said at the beginning of my statement.

I think there are two purposes for this particular effort. Yesterday, my amendment was defeated, so today this is not to the treaty, this is to the resolution.

Senator EVANS. Yes, I understand that.

Senator PRESSLER. So, I wrote down all of the arguments that were made yesterday and I think I have met all of them.

Now let me get to your point.

This is a signal, this is internal with us. This does not have to go back to the Russians.

Part of the purpose of this is to give our President a clear signal that when he does sign it and presents it—I guess he is going to take it with him to Moscow, that is the hope, if we finish it by May—that the Senate of the United States is very concerned about this conventional forces imbalance and it will be foremost in his mind when he discusses the START Treaty.

I personally believe that this is a point that we should want to emphasize, on which we would want to put an exclamation point. It does not hurt the treaty at all.

I would think that this would be adopted unanimously, based on the speeches I heard yesterday. And I am not arguing. This is a good-faith effort.

We are not trying to affect the treaty in the least way. It is not an amendment. It doesn't have to go back to the Russians. It is the best I think we can pass.

I predict we will pass at least something like this, or stronger, on the Senate floor.

I would be glad to change a few words. I think that is a very good—as a matter of fact, Mr. Chairman, I would like to amend my amendment, if I may do that.

The CHAIRMAN. Modify your amendment?

Senator PRESSLER. Modify my amendment, which is not an amendment to the treaty, but is an amendment in the process we are in here, with that excellent suggestion.

The CHAIRMAN. Without objection, it is so modified.

Senator EVANS. But I would still say that I don't think you have really responded to the specific question, which is that it has to be one way or the other. When the President signed the treaty with the General Secretary, he either at that time believed that any conventional force imbalance remaining after the treaty was signed would not additionally jeopardize the security of our troops, or he believed that it would additionally jeopardize, and I am curious as to what the Senator thinks was in the President's mind at that time.

Senator PRESSLER. Well, I am sure our President's intentions were the very best, and are. Also, the Senate has a constitutional role to express itself, and we are not just to reflect entirely what the President says.

There is a process under our Constitution that almost no other country has which, constitutionally, whether you like the Senate or you don't like the Senate, or whether you think we should be involved or we shouldn't—we do have a constitutional responsibility to be involved.

So, what the President thought is very important. What the Senate thinks at this moment is very important.

Senator EVANS. Well, then it seems to me that the amendment is in error because you are just asking the President to reiterate what you have just said he thought when he signed the treaty.

Senator PRESSLER. Well, I'm not sure he thought that. I'm not sure he thought that.

Senator EVANS. Well, it has to be one of two things.

Senator PRESSLER. This is what the Senate thinks.

Senator EVANS. No, you are asking the President to certify. If you want to say the Senate should certify, or you know, vote in this committee to certify whether we are additionally jeopardizing troops, that would be the Senate expressing its will. But you are asking the President to certify.

Senator PRESSLER. Well, in a good-faith effort. We do use this type of language a lot here. We use it, as I mentioned yesterday, in certifying that certain countries meet our drug standards and so forth. We certify whether countries are meeting human rights conditions.

This is not putting the President on the spot. It is a good-faith effort to address a problem about this treaty that is in many Americans' minds. I think the condition would address it.

Maybe by changing a few words we could make it better. I don't doubt that a bit. And I am always flexible on my amendments and my colleagues' amendments.

Senator HELMS. Would the Senator yield—one of you?

Senator PRESSLER. Yes, go ahead.

Senator EVANS. Yes.

Senator HELMS. Or, I seek recognition in my own right.

The CHAIRMAN. Yes. Senator Helms.

Senator HELMS. It has come up several times, the question of well, you don't believe the President didn't believe this or that he would knowingly do something. Of course not. The answer to that question is no right off the top of the pile, Senator.

But the fact remains that any President or any Senator is largely at the mercy of people who advise him and tell him.

Now, this is the same President whom I have supported since 1976, and I think our friendship dates back to about as long as the next guy's. But the fact remains that this President was saying that we were destroying warheads, after he had signed the treaty.

George Bush picked up and he argued in a debate that we were destroying warheads.

Well, after this question was raised here, they don't say that anymore, for the simple reason that it's not so.

Now, if this will cause the President, if he needs to be reminded, if it will cause him to consider what will be the effect on NATO, then good for Senator Pressler.

Now, you are not going to get but two votes on your amendment. That is a leadpipe cinch, you know. [Laughter.]

And I'll cast one of them, and I'll leave it to the chairman to decide who the other Senator will be. [Laughter.]

But the fact remains that the Senator is on solid ground with his amendment, and the President ought to consider this. I think the Senate is well within its rights to adopt this condition, and I don't think it ought to be called ridiculed or be called ridiculous or whatever.

Senator Pressler offered this condition in good faith, and I commend him for it.

Senator CRANSTON. Mr. Chairman.

The CHAIRMAN. Senator Cranston.

Senator CRANSTON. I find it hard to believe that the President of the United States needed this amendment in order to get him to think about what would be the effect of this on NATO. He obviously knows the effect on NATO of this treaty.

Senator HELMS. Well, the millennium is here. Senator Cranston is supporting Ronald Reagan for a change.

The CHAIRMAN. Gentlemen, I understand that a rollcall vote is imminent on the floor, so I wonder if we might agree to vote on this amendment at this time, if that is agreeable to my colleagues.

Senator PRESSLER. Let me say that it is not just to remind the President. It is that, but it is also to express the feelings of the Senate. I predict on the Senate floor that something like this or

stronger than this will be attached. It is a condition that meets all of the arguments that were made yesterday.

I hope in good faith that my colleagues will take a look at it from that point of view. But it is not an amendment to the treaty. It will not have to go back to the Russians. It doesn't have any of the "killer amendment" type arguments against it that we heard yesterday.

The CHAIRMAN. The Senator is correct. It is a category 1 condition.

Senator SARBANES. Mr. Chairman, I would just point out that whatever imbalance may exist on conventional forces is not helped by delaying the removal of the imbalance that exists on Euromissiles. This treaty would remove that imbalance and, therefore, is advantageous to us. Delaying its application on the basis of an argument about the imbalance in conventional forces does not make good sense.

The CHAIRMAN. Like Pavlov's dog, we have to respond to the bells we hear.

Senator PRESSLER. May I just say that I met that argument prior to your coming here in my opening statement. I will give you a copy of it. I met it as best I could. But I won't take the time of the committee. I will pass my remarks along.

The CHAIRMAN. I thank the Senator very much, indeed.

With the acquiescence of the committee, I would ask the clerk to call the roll.

Ms. ALLEM. Mr. Biden.

[No response.]

Ms. ALLEM. Mr. Sarbanes.

Senator SARBANES. No.

Ms. ALLEM. Mr. Cranston.

Senator CRANSTON. No.

Ms. ALLEM. Mr. Dodd.

The CHAIRMAN. No, by proxy.

Ms. ALLEM. Mr. Kerry.

The CHAIRMAN. No, by proxy.

Ms. ALLEM. Mr. Simon.

The CHAIRMAN. No, by proxy.

Ms. ALLEM. Mr. Sanford.

The CHAIRMAN. No, by proxy.

Ms. ALLEM. Mr. Adams.

Senator ADAMS. No.

Ms. ALLEM. Mr. Moynihan.

The CHAIRMAN. No, by proxy.

Ms. ALLEM. Mr. Helms.

Senator HELMS. Aye.

Ms. ALLEM. Mr. Lugar.

Senator LUGAR. No.

Ms. ALLEM. Mrs. Kassebaum.

Senator KASSEBAUM. No.

Ms. ALLEM. Mr. Boschwitz.

Senator HELMS. No, by proxy.

Ms. ALLEM. Mr. Pressler.

Senator PRESSLER. Aye.

Ms. ALLEM. Mr. Murkowski.

[No response.]

Ms. ALLEM. Mr. Trible.

Senator TRIBLE. No.

Ms. ALLEM. Mr. Evans.

Senator EVANS. No.

Ms. ALLEM. Mr. McConnell.

Senator LUGAR. He is no, by proxy.

Ms. ALLEM. Mr. Chairman.

The CHAIRMAN. No.

On this vote, there are 2 yeas, 15 nays. It is not agreed to.

I would suggest that the list be kept open for anyone who may wish to cast a vote later.

I understand that there are now no further amendments or conditions to be offered at this time by the minority.

Senator PRESSLER. I have one more that I would like to offer on Monday.

The CHAIRMAN. Maybe we ought to finish it up now because I thought we wouldn't come in on Monday morning. So, we should come back now, perhaps?

Senator PRESSLER. Well, no, I would rather do it on Monday.

[Discussion off the record.]

The CHAIRMAN. The next item for consideration now would have been the DeConcini-Lautenberg condition relating to human rights in the Soviet Union. Senator DeConcini has asked that our committee not act on this condition at this time and indicated that he may prefer to have the full Senate address this issue.

Until and unless the authors of the provision indicate they are ready for the committee to proceed, I think it should be set aside.

At the end of this hearing right now, I would like to say that there appears to be no need for a markup tomorrow, Friday, and the next markup would then be scheduled probably for 2 o'clock on Monday, to discuss the treaty interpretation issue, and also any Senator has the right to bring up any amendment until the final vote at 3 o'clock on Tuesday.

Does that meet with general accord?

Senator EVANS. That's fine.

The CHAIRMAN. With that understanding, we now recess the committee until 2 o'clock Monday.

[Whereupon, at 2:55 p.m., the committee recessed, to reconvene at 2:19, March 28, 1988.]

THE INF TREATY—MARKUP

MONDAY, MARCH 28, 1988

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met at 2:19 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Claiborne Pell (chairman of the committee) presiding.

Present: Senators Pell, Sarbanes, Cranston, Dodd, Kerry, Sanford, Adams, Helms, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Evans, and McConnell.

Also present: Ambassador Maynard W. Glitman, Chief INF Negotiator, and Head, INF Delegation.

The CHAIRMAN. The Committee on Foreign Relations will come to order.

We have a working quorum, and the Chair is open to any suggestions for amendments.

Senator HELMS. Mr. Chairman, may I cite a point of personal privilege?

The CHAIRMAN. Yes, sir.

Senator HELMS. Mr. Chairman, a week ago today, Monday, March 21, copies of an analysis of open source discrepancies in the estimates of Soviet SS–20's—that is the number of SS–20's they have produced—copies of this were sent to all 100 Senators.

Subsequently, at the meeting or hearing conducted by this committee this past Thursday, and in the ensuing debate, the assertion was made, and it was rather flat, the assertion was made that the analysis and attached chart revealed or confirmed code word sensitive data.

Now, that was an absurd assertion, as I said at the time, because the fact is that neither the analysis nor the chart contained code word sensitive data, and was based entirely on authoritative open testimony, official unclassified letters to me from the White House, letters from the Secretary of State and the Director of the CIA, unclassified DOD documents, and press accounts going back as far as 1976.

The analysis and the covering letter clearly labeled the estimates as those "appearing in the public press," and "in open testimony."

Now, no suggestion was made in this material that the estimates given were the actual estimates.

Now, each Senator can decide for himself or herself whether the unclassified numbers are accurate enough for public discussion of important public issues, and it was highly inappropriate, Mr. Chairman, for one Senator, the distinguished Senator from Wash-

ington, Mr. Adams, to characterize unclassified numbers as identical to classified numbers, whether such a characterization was correct or incorrect.

That is why I took, last Thursday, such strong exception to the Senator's declaration that the data in my analysis, and I quote him, "are assessments that we heard at the time of the code level," and he further said that they were "figures given in that session," neither statement being accurate.

Now, my analysis was carefully drawn to avoid confirmation, but to allow public discussion of what I consider to be an enormously important issue.

Classification is intended to protect sources and methods and certainly is not intended to stifle public debate of national security issues.

Now, just for the information of Senators for their files, we have taken the trouble to prepare the documentation for every figure on that chart, and we have distributed this to each member of the committee and anybody else who may be interested in having it.

I thank the Chair.

Senator PRESSLER. Mr. Chairman.

The CHAIRMAN. Senator Pressler.

Senator PRESSLER. I have an amendment.

Do you want to consider it now?

Do we have a quorum?

The CHAIRMAN. We have a working quorum.

Senator PRESSLER. Mr. Chairman, my amendment states—and this is an amendment to the resolution of ratification and not an amendment to the treaty—it would be a condition. So, I have a condition to offer: To condition ratification on the certification that the Soviet Union is in compliance with the Helsinki Final Act.

The condition is "subject, however, to the condition that neither the President nor any other agent of the Executive Department is authorized to sign or exchange instruments of ratification unless and until the President, without delegation, shall have certified to the United States Senate that the Union of Soviet Socialist Republics is faithfully meeting its obligations under and is in full compliance with all provisions of the Final Act of the Conference on Security and Cooperation in Europe."

I think this amendment has been circulated to everyone.

It is my strongest feeling that this would not be something that would hold up the treaty because it would not force a renegotiation.

The Conference on Security and Cooperation in Europe produced an international agreement that is commonly referred to as the Helsinki Final Act or the Helsinki Accords of 1975.

That agreement was signed by the Soviet Union and the United States, as well as more than 30 other nations. It obligates those who signed to observe certain principles in the entire fabric of human life: human rights, science, culture, commerce, speech, and disarmament. It is not just a human rights agreement.

It is a comprehensive framework for relations between NATO and the Warsaw Pact nations. It recognizes that peace and respect for human rights are different aspects of one issue.

The Soviets agreed, as did we, that the likelihood of aggression diminishes when people have freedom to speak, protest, write, assemble, and petition their government. Unfortunately, the Soviet Government has not respected or protected these and other human rights.

The Helsinki accords include a commitment to peace and disarmament, as well as confidence-building measures, such as troop movement notifications and observer exchanges.

The Soviets have violated these obligations and commitments.

To adopt the INF Treaty in the face of these Soviet violations of the Helsinki accords might very well undercut the accords and demoralize those who are struggling for human rights behind the Iron Curtain. It would reward the Soviets for violating the most far-reaching international agreement in existence today. Such action, in itself, is a violation of the Helsinki accords.

Therefore, I am proposing this condition to the resolution of ratification, requiring Presidential certification that the Soviet Union is in full compliance with the provisions of the final act of the Conference on Security and Cooperation in Europe before the INF Treaty could go into effect.

This condition would not require renegotiation of the treaty, and it is not a "killer amendment."

It simply requires the President to delay the date of the exchange of instruments of ratification until such time as he is able to make the required certification.

I am aware of other possible conditions relating to the Helsinki accords that would have no binding effect. I support expressions of concern for compliance with the accords, but we should be willing to supply binding compliance measures also.

For those who might argue that the Helsinki accords are irrelevant to the INF Treaty and should not be linked to the treaty, I caution you to remember that the Helsinki final act, on which we already have the Soviet signature, anticipates and encompasses the INF Treaty. We should use this opportunity to insist on compliance with the existing solemn agreement, signed by the Soviet Union, the United States, and 33 other nations in Helsinki in 1975.

If we reject the Helsinki accords out of hand, as if the INF Treaty were more important, then we risk damaging the good work that has been accomplished in Europe as a result of the Helsinki accords.

There would be fewer concerns about the INF Treaty verification and compliance, the correct counting of INF missiles, or about hidden missiles if the Soviets were living up to the final terms of the Helsinki final act.

Mr. Chairman, I present this condition as an improvement to the treaty from our point of view. It is not an amendment to the treaty. It is a condition. I feel it is a positive step, and I will move my amendment when the proper time comes.

The CHAIRMAN. Thank you very much, indeed.

I would ask Ambassador Glitman if he has any comment on that.

Ambassador GLITMAN. Thank you very much, Mr. Chairman.

In our view, Mr. Chairman, the INF Treaty stands on its own merits and is in the interest of the United States and its allies.

It is not a favor to the Soviet Union.

We and our allies sought, and consistently negotiated, for an INF Treaty in order to remove the threat posed by a particular category of Soviet missiles. This we achieved. But we do not believe that any one agreement can be used to solve all our security problems.

We and our allies have consistently resisted Soviet efforts to link agreement on INF to other objectives they have sought. Thus, we do not believe the United States should defer or give up the benefits of an INF Treaty.

Support for INF does not mean turning our back on Helsinki, however. We will continue to seek to resolve human rights, bilateral and regional issues which are important elements of the overall United States-Soviet relationship. Indeed, we are fully conscious of the fact that arms control is only part of the United States-Soviet relationship and that a lasting and long-term improvement in that relationship cannot be expected unless and until these other issues are resolved.

We will continue to press hard, therefore, in all four areas of our agenda with the Soviet Union.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

As I understand it, this language would make approval and ratification of the treaty dependent upon the State Department certifying that the Soviets are adhering to the Helsinki accords.

Senator PRESSLER. The President.

The CHAIRMAN. My understanding is that the Department could not so certify at this time, which would result in a delay in the treaty.

Obviously, as a cofounder, member, and original cochairman of the Helsinki Commission, I have great sympathy with the objectives of the amendment. But I don't think we should adopt it for the reasons that I have said.

Are we prepared to vote?

Senator SARBANES. Sure.

The CHAIRMAN. Do you wish to vote, Larry?

Senator PRESSLER. Yes.

The CHAIRMAN. The clerk will call the roll.

Ms. ALLEM. Mr. Biden.

[No response.]

Ms. ALLEM. Mr. Sarbanes.

Senator SARBANES. No.

Ms. ALLEM. Mr. Cranston.

[No response.]

Ms. ALLEM. Mr. Dodd.

[No response.]

Ms. ALLEM. Mr. Kerry.

[No response.]

Ms. ALLEM. Mr. Simon.

[No response.]

Ms. ALLEM. Mr. Sanford.

Senator SANFORD. No.

Ms. ALLEM. Mr. Adams.

[No response.]

Ms. ALLEM. Mr. Moynihan.

[No response.]

Ms. ALLEM. Mr. Helms.
Senator HELMS. Aye.
Ms. ALLEM. Mr. Lugar.
Senator LUGAR. No.
Ms. ALLEM. Mrs. Kassebaum.
Senator KASSEBAUM. No.
Ms. ALLEM. Mr. Boschwitz.
Senator BOSCHWITZ. No.
Ms. ALLEM. Mr. Pressler.
Senator PRESSLER. Aye.
Ms. ALLEM. Mr. Murkowski.
[No response.]
Ms. ALLEM. Mr. Trible.
[No response.]
Ms. ALLEM. Mr. Evans.
Senator EVANS. No.
Ms. ALLEM. Mr. McConnell.
Senator MCCONNELL. No.
Ms. ALLEM. Mr. Chairman.
The CHAIRMAN. No.
Senator HELMS. Mr. Trible votes no, by proxy.
Ms. ALLEM. Mr. Murkowski.
Senator MURKOWSKI. I would like to hold for just a moment.
[Pause.]
Senator MURKOWSKI. No.
The CHAIRMAN. On this vote there are 2 yeas and 11 nays.
The amendment is not agreed to.
I would ask unanimous consent that the record be kept open for those who have not voted to be able to cast their votes as it will not make a difference.
The bill is open to further amendment—not the bill, the ratification.
Senator MURKOWSKI. Mr. Chairman.
The CHAIRMAN. Senator Murkowski.
Senator MURKOWSKI. Is it correct that you are asking for further amendments at this time?
The CHAIRMAN. Correct.
Senator MURKOWSKI. I would ask the staff to pass out an amendment which I have pending.
I understand, Mr. Chairman, that the amendment has been circulated.
Am I correct that the members have copies?
[Pause.]
Senator MURKOWSKI. If the amendment has been passed out, I would like to speak on it very briefly.
Senator SARBANES. Is it a 2-page amendment, Frank?
Senator MURKOWSKI. The Senator is correct; yes.
Senator ADAMS. Mr. Chairman, prior to this, might I be recorded on the last vote. I would ask unanimous consent that I be recorded as voting live. I was in the anteroom.
The CHAIRMAN. That permission is granted.
Senator Adams should be recorded as voting——
Senator ADAMS. No.
The CHAIRMAN [continuing]. No.

I also received the proxies of Senators Dodd, Simon, and Moynihan, and they should all be voted in the negative.

Senator Murkowski, please continue.

Senator MURKOWSKI. Mr. Chairman, the purpose of the amendment is to address the concern over the Cruise missiles.

I am one of five Senators who serves on two of the three committees which have held hearings—Foreign Relations and Intelligence, respectively, the third committee being the Armed Services Committee.

As you know, Mr. Chairman, the agreement was to initially have the Intelligence and Armed Services Committees report to the Foreign Relations Committee on the merits of the concern on Cruise missiles, but because of the timeframe, Senator Nunn indicated that he would not be completed in time to meet the chairman's request that we address the disposition of the Cruise missiles.

As a consequence, I feel that this committee is somewhat void on the availability of expert advice on military matters as members of the Armed Services Committee have that specific specialty.

Clearly, a majority of the committee has indicated an effort to move along on the matter of amendments, as has already been indicated by the action taken.

But I think that we have a legitimate concern here from a committee that has the primary jurisdiction; namely, the Armed Services Committee.

These concerns were expressed during the Intelligence Committee meetings, which I attended as well.

The idea of a clean treaty strategy that has been pursued by this committee I don't think adequately takes account of the concerns over the Cruise missile. This amendment speaks to one of my greatest concerns and those of my colleagues, and I think that if we reflect on a letter that will be given to you within the next few minutes—it is a "Dear Colleague" letter which has been signed by a number of individual Senators, some of whom are on this committee. I am referring specifically to a letter of March 21 to the President, signed by 54 Members of the Senate. Eight of those Members were members of the Foreign Relations Committee.

In that letter, Mr. Chairman, it states that "It is our hope that START will enhance deterrence and diminish the risk of war." It further goes on to state:

> In particular, we believe that nonnuclear, long-range, high-accuracy Cruise missile technology promises to provide a cost-effective, stabilizing alternative to nuclear systems. Certainly, nothing should be done to our current START negotiations that might jeopardize our ability to deploy such systems in the future to counter Soviet military strengths.
>
> For this reason, any provisions dealing with Cruise missiles and their possible launch platforms must be crafted with the greatest care. Otherwise, we risk losing the option of developing and deploying increased numbers of precise, long-range nonnuclear air- and sea-launched Cruise missiles.
>
> A START agreement that does not preserve this option, which both the Defense Science Board and the Bipartisan Commission on Long Range Integrated Strategy have identified as particularly promising for strengthening U.S. and allied security and reducing the likelihood of war, would not be in our future security interests and would ultimately undermine the prospects for stability. As our negotiators discuss these critical matters, we trust that they will receive the weight and attention they deserve.

So, obviously, 54 Members of the Senate have expressed in the letter to the President their collective views that, indeed, as we initiate discussions on START, it not be at the expense of the Cruise missile nonnuclear conventional capability.

Now, as you know, Mr. Chairman, this is a nuclear treaty, but it eliminates conventional GLCM's as well. The reason that has been given is verifiability.

Our intelligence system, they tell us, cannot tell the difference between nuclear and nonnuclear GLCM's, and there seems to be a consensus on this. Thus, conventional weapons are sacrificed to assure Soviet compliance with the treaty.

What we have eliminated is a weapon which is key to the nonnuclear deterrence in Europe. In the interest of nuclear disarmament, we have given up a key nonnuclear method of deterrent.

I don't think we can afford to make that mistake again. That is why, Mr. Chairman, the amendment has been drafted to implement the recommendations of the letter to the President.

I also feel it is appropriate to point out that this is not the same as the Helms amendment, which was previously voted down by this committee.

The Helms amendment would have modified the terms of the INF Treaty, but my amendment—and this is very important—accepts, my amendment accepts the terms of the INF Treaty, but establishes groundrules for negotiating a Strategic Arms or START Treaty.

The amendment makes it clear that the Senate, while consenting to ratification of INF, will not consent to ratification of a START Treaty unless it protects the Cruise missile option.

So, you have before you—I assume the staff has given each member a copy of it—the letter of March 1 to the President indicating their concerns.

Again, I would remind my colleagues—I won't identify the Members, but the list is on the back—on the Foreign Relations Committee who have already indicated their concern over this matter.

Then, further, Mr. Chairman, I offer for your consideration a chart showing the balance of conventional forces in Europe. This is a statement that has been released that indicates where we stand at a given point in history with regard to conventional forces in Europe, comparing NATO and the Warsaw Pact.

You will notice at the bottom the GLCM's are underlined as 208 for NATO and 84 for the Soviet-Warsaw Pact group. These are the ones that would be removed from both sides. The 84 is the declared Soviet number.

I think it gives us some idea what our conventional capability is, indeed, when the GLCM's have been removed.

Now, the removal of nuclear armed Pershings and GLCM's under INF severely reduces the capacity of NATO to deter and fight a war in Europe with the European-based weapons, as I think you would agree in the comparison.

Therefore, I think it is quite logical that we become more dependent on conventional, or nonnuclear, weapons if we are to avoid escalating a conflict to the strategic nuclear level.

But by eliminating both nuclear and conventional GLCM's, the INF Treaty also weakens our conventional capability in Europe.

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Cruise missiles could be militarily decisive in a conventional war because they would make it much more difficult for the Soviets to bring their follow-on forces to the front.

We could compensate for the loss of GLCM's by developing and deploying sea- and air-launched Cruise missiles. We must protect that option under a Strategic Arms agreement.

So, the amendment is relatively simple and straightforward, Mr. Chairman.

It reads as follows:

Before the period at the end of the resolution of ratification, insert a comma and the following: "subject to the following declaration: The Senate declares that any treaty or other agreement between the United States and the Union of Soviet Socialist Republics reducing and limiting strategic offensive arms should preserve the right of the United States and the member countries of the North Atlantic Treaty Organization (NATO) to develop and deploy—

"(1) Sea-launched Cruise missiles and air-launched Cruise missiles—

"(A) which have any range capability; and

"(B) which are capable of being equipped with nonnuclear warheads; and

"(2) ground-launched Cruise missiles, as defined by article II(2) of the treaty—

"(A) which have a range capability of less than 500 kilometers or more than 5,500 kilometers; and

"(B) which are capable of being equipped with nonnuclear warheads."

Mr. Chairman, that is the essence of the amendment before the committee. The justification, again, is to take this opportunity to put on notice that, as we proceed with START, it will not be at the expense of the Cruise missile, air- and sea-launched. In view of the support already shown by the letter to the President, it would seem that there are a number of my colleagues who have already addressed the issue with their concern. The question is are they willing to proceed with it as an amendment to the INF.

The CHAIRMAN. Ambassador Glitman, we would be very pleased to hear your comments.

Ambassador GLITMAN. Thank you, Mr. Chairman.

As you know, the INF Treaty leaves open the possibility for the United States to have Cruise missiles, both conventional and nuclear, launched from sea or from the air within the INF limits, and launched from sea, air, and ground outside of the INF limits. Therefore, what is asked for in this declaration is, of course, open to us. We have no binding by the treaty on these opportunities or these possibilities.

What I see here, essentially, is a form of linkage, in a way, linking the INF Treaty and its ratification, its exchange of ratifications, to the START negotiations.

It seems to me that we should not move in the direction of linkage.

I have no objection myself to the fact that we didn't cover these things in INF. That is why we didn't cover them. We left them open.

But I don't think we should use the ratification of this treaty to try to send instructions to the START negotiators, which, essentially, is what this will do. There must be other vehicles for that.

The CHAIRMAN. I appreciate your comments.

As I understand it, what you are suggesting really does not relate to INF. It relates to START, and it would be inappropriate to add it to this treaty.

Therefore, it should not be voted for.

Is there any further discussion?

Senator MURKOWSKI. Mr. Chairman.

The CHAIRMAN. Senator Murkowski.

Senator MURKOWSKI. I wonder, Ambassador Glitman, in view of the letter that has been signed and sent to the President, which I am sure you have had an opportunity to examine——

Ambassador GLITMAN. I have not, Senator Murkowski.

Senator MURKOWSKI. Then might I ask that we see that he gets a copy of it. I had assumed that the administration had given you one.

I assume that everybody on the committee has received copies of that letter.

Am I correct in that assumption, Mr. Chairman?

The CHAIRMAN. No, I don't think you are.

Senator MURKOWSKI. Well, then, I will wait. I assumed that they had been passed out, and I apologize.

The CHAIRMAN. Is this the letter [indicating]?

Senator MURKOWSKI. That's the letter.

The CHAIRMAN. It is now being circulated.

Senator MURKOWSKI. I guess they were passed out to the staff. I apologize for that, Mr. Chairman.

I would simply ask that the members take a look at the letter.

Senator PRESSLER. May I ask a question about your amendment?

Senator MURKOWSKI. Please, Senator.

Senator PRESSLER. Ambassador Glitman said that this was a more appropriate thing for START.

But it says here in the letter, "A START agreement that does not preserve this option, which both the Defense Science Board and the Bipartisan Commission on Long Range Integrated Strategy have identified as particularly promising for strengthening U.S. and allied security"—and so forth. So, it does sound to me as though it would be appropriate to put on this treaty.

Is that not true?

Senator MURKOWSKI. That is my contention, and I think this is certainly a way to communicate very firmly our position on START, that we don't want START at the expense of our conventional capability in air- or sea-launched Cruise missiles. It is our understanding that, while there is some confusion over this, at least the conversations that I have had in the Intelligence Committee that are not classified, and conversations with some members of the Armed Services Committee, indicate that they feel there may have been a void in our negotiations where we did not prevail because we did not particularly set that up as a bottomline priority to maintain a conventional capability in the Cruise missile. As a consequence, it was traded away for verification. Whether that is true or not is incidental.

I think it is truly the intent of this letter that we don't want to go into START with anything but a firm conviction that we are not going to give up our Cruise missile capability, air- or sea-launched.

I assume that the Ambassador has had a chance to read the letter, and I would appreciate it, Mr. Chairman, if he would care to respond.

The CHAIRMAN. Ambassador Glitman.

Ambassador GLITMAN. Thank you very much.

First, as I have said before, we did not decide to make this treaty cover both conventional and Cruise missiles, nuclear Cruise missiles, just because of the verification issue, although that was a very important point.

We also concluded that, on balance, there was no role for us, and this has been discussed at some length.

On our side, we did not have a mission for a ground-launched conventional Cruise missile. We also concluded that, if there were to be such a ground-launched conventional Cruise missile, then the Soviets would have the same option, and that, on balance, they would probably benefit more from it than we would, so that it was not just a verification issue at stake here, but also one of the overall balance of benefits with regard to the operation of such a system.

Now, insofar as strategic—or let's put it this way—Cruise missiles not covered by the INF Treaty are concerned, as I said at the beginning, the fact is they are not covered by the INF Treaty. Therefore, there is no prohibition on their use.

Senator Murkowski has pointed out that he wanted to get a message across to the administration on views concerning how to handle this issue in START, and there is a letter here signed by some 54 Senators, I believe, which does just that. I wonder whether that does not do the job.

Why put it onto the INF Treaty?

Senator MURKOWSKI. Let me turn the question around. Why not?

Ambassador GLITMAN. Because I think, Senator, it raises questions about the INF Treaty. We could put other things on the INF Treaty, and we know we have other amendments which will do that. But it seems to me that we have a treaty that deals with a specific subject. It does not purport to deal with other subjects, and one ought to consider the fact that we have worked very hard to avoid linkage with other subjects. It was not in our interest to have linkage before. I do not think we should go for it now.

Senator MURKOWSKI. Well, I do not dispute the efforts, Ambassador, but by the same token, what we have sacrificed here to get to an INF Treaty, make no mistake about it, is the capability of the ground-launched Cruise missile as far as the conventional overall capability that we had in Europe. That is gone. That is gone. The Soviets did not have that particular capability; we had it, and it is gone.

Now, we did that to achieve a purpose, but the merits of coming back and reinforcing that we do not intend to do that, would it not make it easier as you start your START process, that you have already got an agreement on INF that that is nonnegotiable?

It would certainly make me feel better.

Ambassador GLITMAN. Senator, we are, of course, involved in the START process, have been for almost as long as INF. They began 6 months after we did. And throughout that period we have maintained the opening for this option. So, that is there in our position now.

Senator MURKOWSKI. Thank you.

The CHAIRMAN. Thank you.

Senator Evans.

Senator EVANS. Mr. Chairman, I am a signator of the letter, but I would not vote to add it to the INF Treaty. I think we have—we ought to keep things as simple, straightforward and to the point as we can, and it seems to me this treaty we have kept that way up to now. We ought to argue one thing at a time and do one thing at a time.

I think the message to the President in the letter is pretty sufficient, this President or next President certainly is going to be impressed by 54 Senators signing a letter. That is far more than enough to defeat the treaty, if in fact it comes down to that when START, at such time as it becomes before the Senate, is here.

But I am a fan of keeping this treaty straight, to the point, and this is not on the point. So, I would vote against any such amendment, even though I signed the letter.

Senator DODD. Mr. Chairman.

The CHAIRMAN. Senator Dodd.

Senator DODD. Mr. Chairman, I never got a chance to sign the letter, but had I been asked, Frank, I would have signed it. I think the letter is a good letter. It makes sense.

For whatever it is worth, and I think the language of testimony of Secretary Shultz—and it does not address this point specifically, but it is more of a generic statement about this kind of agreement—he said we believe that the INF Treaty stands on its own merit and should not be linked to other arms control agreements or issues. And he was there talking about the radar facilities at Krasnoyarsk which is a legitimate issue, and certainly, according to the testimony that we received, a violation before, certainly one that we would probably like to address in one way or another. But when asked whether or not that particular issue ought to be attached here, there is a live one for you. That is not one where we are talking about prospectively what may happen, but something that has happened. The temptation to want to address that issue in an agreement like this I think would be strong, but I think the Secretary's response to that issue with the language that we should let the INF Treaty stand or fall on its own, whatever it may be, but in this case, I think stand on its own, makes some sense.

And I would add a 55th name to your letter if you decide to do a redraft of it.

Senator MURKOWSKI. OK, you are on the letter. Thanks.

The CHAIRMAN. It seems to me that this amendment itself could hamper our START negotiators. It is an issue presently being considered by the JCS, and I would think that it could lock us into a position that we might regret later on.

But I think we have heard the arguments back and forth.

Senator MURKOWSKI. May I just conclude?

The CHAIRMAN. Senator Murkowski.

Senator MURKOWSKI. I think my colleague from Washington has made a reasonable point, and one that I would feel a little better about, too, had this committee had the input of the Armed Services Committee with regard to this specific area, in other words, the disposition of Cruise conventional. We have not had that.

I am not totally sure that we will not get something from them that indicates that perhaps we should have given some consider-

ation in this committee, but so be it. That will have to come on the floor.

But in talking to various members of the Armed Services Committee, they have a difficult time with this because, as the Senator from Washington pointed out, this business of taking one thing at a time is fine as long as you have all the facts to take one thing at a time.

And their recommendation is going to be pretty significant, and I assume the Ambassador is aware of the concern in the Armed Services Committee on this. And I do not know, Mr. Chairman, what is going to prevail there, but there is a reasonable doubt, and this committee, if you will pardon the expression this season, is washing their hands of it, in my opinion. But so be it.

One other point. The Intelligence Committee has noted that a combination of INF and START is going to create major verification problems, and I think the Ambassador would agree with that.

Is that not correct?

Ambassador GLITMAN. I have seen that report, Senator.

Senator MURKOWSKI. Pardon?

Ambassador GLITMAN. I have seen the report, Senator.

Senator MURKOWSKI. Do you agree with that?

Ambassador GLITMAN. I think we would have to see what sort of verification regime we get for START before I would conclude that, that it will not—that the START regime will need more verification than INF, we agree with.

Senator MURKOWSKI. Well, it is going to create some problems because at what point do you go to achieve what percentage of verification at what cost?

So, I think it is fair to say, to suggest, Mr. Chairman, that the two treaties are not linked I think is incorrect. They are linked whether we like it or not, and we are going to move from INF, which I support, and we are going to move on to START. But we are going to have some real verification problems, and as we reflect on what we are doing here now, Mr. Chairman, we are pulling down the question of this committee's total oversight on conventional missiles that we have known as the Cruise, and we are going to have to take it up on the floor.

But I can count, Mr. Chairman, and it is obvious that the votes are not here to support my amendment. So, as a consequence, I think it is probably important—excuse me a moment.

[Pause.]

Senator MURKOWSKI. In any event, Mr. Chairman, it is my intention to take this up directly on the floor.

So, I withdraw my amendment, and I appreciate the opportunity afforded me to discuss it.

The CHAIRMAN. The amendment is withdrawn.

At this point, a full quorum being present, I would like to suggest we vote on a nomination.

[Whereupon, at 2:59 p.m., the committee recessed, to reconvene immediately in a business meeting.]

[Whereupon, at 3:22 p.m., the committee resumed markup session.]

The CHAIRMAN. Are there any further amendments?

Senator HELMS. Mr. Chairman, may I inquire where we stand on the interpretation amendment?

The CHAIRMAN. It is being worked on and massaged.

Senator HELMS. Who is working on whom?

[Laughter.]

The CHAIRMAN. Well, it is being discussed and we hope that what emerges finally is a generally approved, bipartisan leadership amendment. I am not sure whether that will happen or not.

I do not think it is quite ready to be born yet, so we have to do that probably tomorrow.

Incidentally, Senator Nunn and Senator Warner from the Armed Services Committee will be coming over here in about 15 minutes to report to us, and we may have to go into private session in the back room at that time.

So, I would suggest that we recess for 15 minutes, until 3:35 p.m.

Senator SARBANES. For the purpose of hearing from Senators Nunn and Warner?

The CHAIRMAN. Yes.

Senator MURKOWSKI. Mr. Chairman, do you know the subject matter?

The CHAIRMAN. It is on the INF Treaty. It is their committee report on it, I believe.

Senator MURKOWSKI. Nothing to do with Cruise missiles?

Senator SARBANES. Well, I do not know. We do not know what is in the report.

[A brief recess was taken.]

The CHAIRMAN. The Committee on Foreign Relations will come to order.

We are very glad indeed to welcome Senators Nunn and Quayle, and to get their advice and their thoughts on the INF Treaty.

My colleagues have been here right through, but some of them, like the boy who cried wolf, left, but they should be back shortly.

STATEMENT OF HON. SAM NUNN, A U.S. SENATOR FROM GEORGIA

Senator NUNN. Thank you very much, Mr. Chairman, Senator Helms, Senator Lugar, Senator Cranston, Senator Dodd. I had hoped to be over here about 3:15 this afternoon, so my apologies to you.

We went through this report again today, which was in draft form, and we spent about 2½ hours on it, which was longer than I had anticipated, but we had more wording differences.

I have concluded that it is easier to mark up a bill than it is a report. Far be it from me to ever want to mark up another report. It is very difficult, and every word becomes important, whereas when you are marking up a bill, the report is thrown in at the last minute after careful work by staff on both sides, and Senators are kept out of it, largely speaking but not always.

Nevertheless, we have gone through this report carefully, Mr. Chairman and Senator Helms. We have a rather lengthy report, about 45 to 50 pages altogether. That report is going to have to be retyped tonight, so we do not have it for you today in the final form. We ought to have it sometime tomorrow for you in the final

form. That will not be a printed version. The printed version will have to wait 3 days for the various members of the committee to put in their own individual views.

I have one set of individual views that will be here this afternoon for your consideration. The others would not arrive before Thursday afternoon. But I think that it is fair to say that we had a pretty good consensus on our report. We had a vote a while ago on it, and we have 18 voting for the report, 2 voting against the report out of 20 members.

I will give you the bottomline of the report, and then I will go into some details. I hate to take much of your time. On the other hand, there are three or four items that I think would be of keen interest to the committee.

The bottomline on the report, and this is what people voted 18 to 2 in favor of, including the entire report, is "On balance, the committee believes that the positive features of the treaty outweigh its weaknesses. Moreover, the committee is convinced, as were the vast majority of witnesses who appeared before the committee, that were the Senate to reject this treaty, the adverse political repercussions in Europe and elsewhere would be very significant. The Armed Services Committee recommends that the INF Treaty be ratified, subject to certain recommendations and possible understandings," and I emphasize the word "possible." I will get into that in more detail. These recommendations and possible understandings are outlined in the report.

The committee report, Mr. Chairman, makes a number of broad recommendations, and I might say that Senator Warner would have been here, but he is with the President in Virginia. Senator Thurmond had another meeting. Senator Quayle has been a real worker in this arena. He has worked on it very, very diligently. He has become an expert on the INF Treaty, so he has consented to come today and I think can more than adequately represent the minority side of our committee.

And Senator Quayle, of course, I know you will, anywhere you disagree with any of this, I am sure we will hear from you, and I am sure the committee would enjoy hearing from you in any event.

We make a number of broad recommendations concerning the future course of NATO, needed improvements in strategy, conventional forces, resource management, theater nuclear posture as well as conventional arms control. I am not going to dwell on those today. They have been changed somewhat, but generally the report I gave you the other day reflects pretty well what the committee has come down on on that, although the other day I was speaking for myself only.

In addition, the committee report comments on U.S. verification and compliance policy in the post-INF environment. In our report we also address 15 specific treaty issues which we believed warranted special attention and on which we offer several recommendations. In two cases the recommendation includes the possibility of understandings which the committee believes may be need to be attached to a resolution of ratification, and that depends on whether these areas are able to be clarified before we take final Senate action.

I should mention, however, and you have been struggling with this, I know, that the committee report is based on the assumption that the question raised by the Culvahouse letters and their impact on the question of authoritative testimony, and the question of whether authoritative testimony was given before our committee on the meaning and effect of the treaty, will be satisfactorily resolved. We have not attempted to resolve it here, but the report is based on that assumption.

If that assumption proves to be erroneous, then of course, there are a number of us that feel that we would have to come to the floor of the Senate with a number of amendments that would make it clear that the testimony we received on ambiguities was indeed testimony given to the Senate as a whole and should be taken as such and be regarded as binding on this administration and future administrations.

Let me highlight, Mr. Chairman, five treaty issues which are addressed in the committee report. First of all, article XIV; second, conventionally armed ground-launched Cruise missiles; third, a question that has come up in past treaties and it is here again before us, that is, the question of futuristic weapons systems and what the treaty means regarding those; next, a technical drafting problem which nonetheless, because it is in the body of the treaty we believe to be important, and that is the so-called double-negative problem in article VI, paragraph 2; and finally, the question of the definition of INF range.

First of all, article XIV. Article XIV provides, quoting from that article, "The parties shall comply with this treaty and shall no assume any international obligations or understandings which would conflict with its provisions."

During the committee's hearings, questions were raised as to whether this provision could conceivably be interpreted by the Soviet Union as prohibiting current and future United States assistance to our allies on weapons programs not limited under the treaty on the grounds that such assistance would circumvent the expressed prohibitions in the treaty.

At the committee's hearing on February 23, 1988, Ambassador Glitman presented a comprehensive, and in the opinion of the committee, persuasive explanation of the negotiating history of this provision. The committee's review of the negotiating materials provided the Senate did not indicate any inconsistencies with the account provided by Ambassador Glitman.

In light of this testimony and the explicit assurances contained in the article-by-article analysis, the committee does not believe it is necessary to adopt a condition on the resolution of ratification on the meaning and effect of article XIV. However, the committee report states unequivocally that the committee understands that article XIV does not in any way constitute a noncircumvention provision, nor does it impose any obligations on the parties that are not expressed elsewhere in the treaty. And this could be very important in the future in terms of our relationship with our allies in Europe and elsewhere.

Questions as to the types of assistance prohibited under the treaty must be addressed under the specific prohibitions in the treaty, not by reference to article XIV. The treaty prohibits the

parties from producing or transferring a missile, missile stage, or launcher for a treaty-limited Cruise missile or ballistic missile. However, it does not prohibit the production or transfer of lesser components or other items such as guidance elements, technology, or blueprints.

We go into more detail than that, but that is a summary of our description of article XIV.

Next, conventionally armed GLCM's. This issue was one to which the committee devoted a great deal of attention. As you know, late in the INF negotiations, the United States reversed its position and agreed to ban conventionally armed ground-launched Cruise missiles of the INF range, and I say conventional; that is, as opposed to nuclear, and nuclear, of course, always was envisioned to be banned.

Former Assistant Secretary of Defense Richard Perle and other members of the American Enterprise Institute's Task Force on the INF Treaty, among others, recommended to the committee that the treaty be amended to permit such systems. The Joint Chiefs of Staff informed the committee that a major consideration in their decision to support the ban was the military advantages accruing to the Soviets were they to be afforded the right to deploy conventionally armed, ground-launched Cruise missiles of INF range not only for conventional but for chemical missions. And I think the chemical mission part of it is enormously important.

In addition, the JCS emphasized the military potential of alternatives available to the United States to achieve the same target coverage and damage, including the use of air- or sea-launched Cruise missiles.

With regard to the other very important issue, the verification aspects of this issue, executive branch witnesses, including representatives of the Joint Chiefs of Staff, expressed the difficulties that would be introduced if an infrastructure remained for Soviet conventional ground-launched Cruise missile operations, conventional operations. Those witnesses also cited the intrusiveness, the cost and the problematic effectiveness of the verification schemes that would have to be considered if conventional GLCM's were allowed.

The committee concluded, and Senator Quayle took a very active role in this and can speak to this issue—we concluded that the verification question was a principal factor in the administration's willingness to ban ground-launched Cruise missiles of the conventional variety.

Although the committee recognized the validity of the concerns expressed during its hearings over the prohibition of a potentially promising option for implementing NATO's follow-on force concept and deep strike doctrine, it regarded the proposal to permit conventional GLCM's as a two-edged sword since it would provide the Soviet Union with a readily exploitable option for increasing its conventional and chemical threat to vital NATO facilities in Europe, Western Europe.

In addition, the committee recognize the magnitude of the verification problem that would be created if the Soviets were to deploy conventional GLCM's of the INF range.

The negotiating record or history provided to the Senate indicated that the Soviet Union's opposition to allowing conventionally armed GLCM's was consistent and forceful. Neither the negotiating record nor the administration's testimony on this point provides grounds for our committee to conclude that amending the treaty in this manner would not prompt a protracted, and at the very best, difficult renegotiation of the agreement.

In the final analysis, the committee did not believe that an amendment to permit conventional GLCM's of the INF range was advisable. However, banning the deployment of such systems makes it essential that START not foreclose U.S. options on conventional air- and sea-launched Cruise missiles, including systems of these types for INF ranges.

The committee urged the administration not to permit the GLCM decision to set a precedent that could adversely affect U.S. national security interests with regard to conventional ALCM's and conventional SLCM's; that is, the air-and the sea-launched Cruise missiles.

Now to the I think most serious concern that the treaty presented as far as our committee was concerned.

During the committee hearings—Mr. Chairman, I still have a cold, so I apologize for my throat today—during the committee hearings, serious concerns were raised that the treaty is not clear in its application to future types of weapons such as—Senator Quayle again brought this one up—unmanned, hypersonic boost-glide vehicles.

At this stage, Mr. Chairman, I would have to say that this is the most serious issue that we have discovered in the treaty. Article II defines "ballistic missile" as "a missile that has a ballistic trajectory over most of its flight path." The term "Cruise missile" is defined as "an unmanned, self-propelled vehicle that sustains flight through the use of aerodynamic lift over most of its flight path."

Now, the most important part of this concern. Both ground-launched ballistic missiles and ground-launched Cruise missiles are further defined as "weapon-delivery vehicle." Those are the key words. However, a fundamental inconsistency arose during the hearings as to the meaning of what "weapon-delivery vehicle" meant under article II. The article-by-article analysis defines this term as "those types of ground-launched Cruise missiles that have been flight tested or deployed with any type of warhead device or simulation thereof." Let me repeat those words, "Any type warhead device or simulation thereof."

This suggests that ground-launched ballistic missiles or ground-launched Cruise missiles which destroyed their targets through other, perhaps more futuristic or exotic means, would not be covered. Implicitly, that would be the case with that definition.

If this reading is correct, then, the treaty would appear to allow ground-launched ballistic missiles or ground-launched Cruise missiles that destroyed targets through such means as lasers, particle beam generators, microwave pulse generators, or perhaps even direct impact, known as kinetic kill.

During the hearings, however, there were indications that the administration may be—and let me emphasize the words "may be"—interpreting this language more broadly than the explanation

in the article-by-article analysis to include future types of weapons such as those listed above; that is, anything that can destroy a target.

Now, we have, Mr. Chairman, certain testimony that was given, but that testimony at this stage is classified, and we also would emphasize that we have not as yet been given a final, authoritative definition by the administration on this question. As of this date we do not have a final, authoritative testimony on this issue. The administration has informed the committee that it is endeavoring to come up with an answer to this question but is not yet in a position to do so. We had a special hearing on this, I believe it was Thursday morning. We spent about 4, 4½ hours with General Herres, who is the Vice Chairman of the Joint Chiefs, as well as Ron Lehman, who was representing the Defense Department, as well as Mr. John Woodworth, who was the assistant in the negotiating team to Ambassador Glitman.

The committee believes this is a critical issue. Most of the attention on the INF Treaty has focused on the elimination of existing systems over the next 3 years. However, the committee believes it is important that we all recognize that the treaty also establishes a permanent ban on certain types of weapons, both nuclear and conventional. For this reason, the Senate must insist, as I view it, and I think the committee agreed by 18 to 2, and I do not think even the 2 who voted against were against it on this ground. They will have to speak for themselves, but I do not think so—the committee believes the Senate must insist that the treaty be very clear in defining which types of future weapons of the INF range will be allowed and which ones will not be allowed.

The committee recommends that the Senate insist that the administration tell us authoritatively, No. 1, what they think the definition of weapons delivery is, and No. 2, whether this definition was clearly agreed on by the Soviet Union.

If the administration cannot demonstrate to the Senate's satisfaction before the final vote on advice and consent that the United States and the Soviet Union reached a clear understanding on this question, then the committee recommends the adoption of an appropriate understanding to provide a clear statement of the United States position on the scope of the phrase "weapons delivery." If the administration should report to the Senate that there is no common understanding between the United States and the Soviet negotiators on this question, the Senate should, before propounding an understanding on this issue, receive the views of the administration on whether to define missiles deployed for weapons delivery.

In other words, we have either got to know what the understanding was or we have to have an administration view of what the understanding should be. And I think the ball is clearly in the administration's court on this one.

Now, moving on to another question which I have labeled question 4, and this is the question of the double negative, or the SS–25/SS–20 second stage correlation. I think I will just, Mr. Chairman, put this one in the record. This one is a mind-boggling exercise in semantics, and I do not know that it is worthy of taking 10 or 15 minutes to explain it to the committee, but we do believe that the treaty text itself here is flawed. We believe that there was a

clear understanding. We believe the Soviets and the United States understood, both understood what was meant, but we have a treaty text which I think is, if you read it carefully, is contradictory to the clear understanding that both sides had.

This is, again, a double negative. I refer you to article VI, paragraph 2. We believe that this one must be clarified by the administration, and we hope they will be working on a clarification.

[The information referred to follows:]

ARTICLE VI—PRODUCTION AND FLIGHT-TEST BANS

* * * * * * *

Paragraph 2 of Article VI provides that, notwithstanding the paragraph 1 prohibition against producing stages of intermediate-range GLBMs, each Party has the right to produce a type of GLBM not limited by the Treaty even if that missile uses one stage that is outwardly similar to, but not interchangeable with, a stage of an existing type of intermediate-range GLBM having more than one stage. Paragraph 2 further provides that a Party may not produce any other stage that is outwardly similar to, but not interchangeable with, any other stage of an existing type of intermediate-range GLBM. This provision takes into account the outward physical similarity between the first stage of the SS–25 ICBM and the first stage of the SS–20, which is an existing type of intermediate-range GLBM. The effect of paragraph 2 is to make clear that the Treaty does not prohibit the Soviets from continuing to produce the SS–25 ICBM, which is not limited by this Treaty, on the basis that it has a first stage outwardly similar to, but not interchangeable with, the first stage of the SS–20. The United States has a reciprocal right with regard to one stage of its Pershing missile system should it choose to exercise it. Paragraph 2 prohibits the Parties from producing more than one stage that is outwardly similar to any stage of an existing type of intermediate-range GLBM.

Senator NUNN. Now, finally, the definition of the range of INF missiles. I believe this one can also be clarified, but at this point I do not think it has been.

During the hearings, concern was expressed that the Soviets could develop and deploy a new type of ground-launched ballistic missile to replace the SS–20's if the missile were tested the first time at a range in excess of 5,500 kilometers, even if every other test was at INF ranges. The committee considered whether the treaty should be changed to deal with this problem.

During its hearing, Ambassador Glitman testified that a new ground-launched ballistic missile that had been tested once at a range above 5,500 kilometers could be deployed without violating the treaty, even if all subsequent tests were conducted at INF ranges.

The committee was subsequently informed that conflicting testimony may have been presented by another executive branch witness before another committee. The committee sought clarification of this conflict and received a letter dated March 25 from Mr. Ed Fox, Assistant Secretary of State for Legislative Affairs, which explained, and I will quote his letter:

The range capability of a ground-launched ballistic missile is considered to be the maximum range to which it has been tested. Thus, once a missile has demonstrated in a test that it has a strategic capability, it must be considered to be a strategic system. However, if the test at strategic range was with a configuration (booster stages, postboost vehicle, RV's) that is unlike that used for remaining tests of the system at INF ranges, the configuration tested to INF ranges would be considered a new missile in the INF range and prohibited by the treaty. On the other hand, a ground-launched ballistic missile tested to the ICBM ranges and then tested to INF ranges in the same configuration clearly would not be limited by the treaty.

This is a tricky area, but it could become very important in verification, and the conflict that we have has to be clarified. I am not sure from Mr. Fox's letter, when you put the parentheses around three terms, and this gets to whether it is a different missile, new type, or the existing type, when you put the parentheses around the words "booster stages, postboost vehicle, RVs," whether it means that all of those things have to have been changed for it to have been a new type, or whether simply changing the reentry vehicles would make it a new type.

We on the committee are concerned about the question of whether this letter is really, indeed, authoritative, and then about the substantive basis for the administration's contention, if it authoritative, implicit contention that a change in the number of RV's on the missile can make it a new type. We wonder about whether they really intend that. We still have a conflict between two bits of testimony.

Our committee will be suggesting, we have asked our staff to get with Ambassador Glitman and to sit down with the other witness who testified before another committee, and to ask these questions and get a complete clarification for the record.

We believe this one can be ironed out. I spoke to Ambassador Glitman just a few minutes ago, and we hope to do that in the next couple of days, and we believe we will be able to iron that one out. But right now I would have to list it as a problem.

In summary, Mr. Chairman, five problems. Two of them may have to have some understanding. The other three we believe can be clarified. And I say may have to have understanding, depending on whether we can find a definitive answer to those questions prior to going to the Senate.

Thank you, Mr. Chairman and Senator Helms. We appreciate your patience. I can assure you we have worked diligently to be able to be here today. We had staff working all weekend. We gave out the draft of this on Friday afternoon, and the staff met with other Members' staffs and with the core staff on both sides all weekend to be able to be here today.

We hope to get you not a printed version tomorrow but a definitive and authoritative version from the Armed Services Committee.

The CHAIRMAN. Once again, which were the two where you thought an understanding, a category 1 understanding might be necessary?

Senator NUNN. One of them is, I think, a technical question. We may not have to have an understanding, but it is what I call the double-negative problem. And that is article VI, paragraph 2. We believe in that one there is a clear understanding on that one.

So, I do not list this one as a major concern but a concern that needs to be cleared up.

The second one is a major concern, and that is the question of what is a weapon-delivery system, and does it include future technologies or is it confined to something that carries a warhead? That one is enormously important as a policy matter and can have a big effect on programs in the future, both in this country as well as in the Soviet Union. So, that second one I think is the most important policy question that we have.

The CHAIRMAN. Thank you.

Do Senator Warner or Senator Quayle care to add something?

STATEMENT OF HON. JOHN WARNER, A U.S. SENATOR FROM VIRGINIA

Senator WARNER. Thank you, Mr. Chairman. I will ask Senator Quayle momentarily to take over here, but I want to assure you that on the two points raised by the chairman—and I have just spoken to them—I am quite certain that within the next 48 to 72 hours the administration will be forthcoming and that hopefully we can resolve those two issues.

I want to commend our chairman. He very fairly, accurately, and objectively has stated the report on behalf of the committee. As the chairman said, the vote was 18 to 2. Throughout our deliberations, it was a very bipartisan approach to this issue.

We included in our report, or will when you receive it, references to the correspondence between Secretary Shultz and Members of the Senate and the reply by the President's Counsel, Mr. Culvahouse.

The chairman, in accordance with my request this morning, made certain changes in the report which I have not seen as final yet, but I think that correspondence primarily speaks for itself, and as I understand, there are now some consultations going on among several Senators to try and resolve that problem, and I think that problem likewise can be resolved.

Mr. Chairman, at this time I would like to defer to my colleague, the Senator from Indiana.

The CHAIRMAN. Senator Quayle.

HON. DAN QUAYLE, A U.S. SENATOR FROM INDIANA

Senator QUAYLE. Thank you very much, Mr. Chairman.

I too want to join with Senator Warner in congratulating our chairman, who has taken us through an exhaustive study of the INF Treaty. We have spent hours in open testimony and closed testimony, and it got down to a lot of details. I think he said this afternoon we were going to do it in an hour.

It took us like 2½, almost 3 hours to get through the conclusion of the report. The report is as the chairman of the Senate Armed Services Committee has stated. He has given a very accurate, clear-cut presentation. There is no use for me to repeat it.

But I would just like to amplify on a couple issues that came up to give you a little bit of a flavor on how we arrived at the decision that we did. And just going down the list, on article XIV, which has been described publicly as the noncircumvention article, and as Chairman Nunn pointed out it came out in testimony that this is not a noncircumvention article and that basically this article, what it does do—and I believe that we have a very clear understanding—is it prohibits full-up systems to be transferred to third countries, nothing more, nothing less.

In other words, as Chairman Nunn pointed out, you can in fact transfer guidance systems, but not the full-up systems. That was the terminology that was used.

It is also very important to note that the history of this is that the Soviets demanded very specific things on article XIV and did not get them. And we do note that in our report in some detail.

And it is a very, very important point to note that they in fact were very specific-oriented and we in fact rejected that, and where we came down is that this article really does in fact deal with the full-up systems.

The second item, on the conventional Cruise missile. There is no doubt about it, as the chairman has pointed out, that the overarching issue is the reason the administration conceded to the Soviet position on banning the long-range conventional Cruise missile, ground based, was because of the verification problems, that the verification was the reason that drove this decision to cede to the Soviet demand that conventional Cruise missiles be banned as well as nuclear.

I believe that this in fact was the reason that we in fact went along with that particular position.

It was also pointed out that the Senate Armed Services Committee very pointedly, the chairman's statement emphasized that we feel that it is essential that we keep our options fully open in START in the area of ALCM's and SLCM's, conventional missiles.

That is a very important point and it has not gone unnoticed in the Senate Armed Services Committee deliberations.

Senator Nunn has pointed out that the real issue and I believe the one in the remaining days beyond the one which Senator Warner has referred to in the letters—and hopefully that can be worked out—is this whole issue of futures.

I do not know how many times that he has looked over and said, here we go again, you know, back into 1972, and not to get back into the ABM debate. But you know, what in fact was banned? What in fact is banned banned? Was there a meeting of the minds between the United States and the Soviet Union?

What we have done in this report I think is a very important, but instructive, message, and that is that we have asked very directly and specifically of the administration to come forward and to tell us in no uncertain terms what they determine should be banned and what should be included in a system as far as futures.

I just believe that is the prudent course because it is going to be a lot easier to get a clear meeting or a clear reading of the minds of the Soviet Union and the United States now on what was banned, rather than deferring the decision down the road 5 or 10 years and to try to go back in and look at the ratification record and the negotiating record and read that in conjunction with the treaty and what various people may be saying at that particular time.

So, we are on the course to try to nail it down now, and I am hopeful that we will be able to get that out of the administration and that it will in fact be very, very clear. And it comes down to this definition of missiles capable of weapons delivery. What is a weapons delivery system? That is what it comes down to in that definition.

I do not believe it is necessary to get into the so-called double negative. Hopefully, that will be taken care of itself. There is a clear understanding, I think, between the United States and the

Soviet Union. I personally think it was just somewhat of a drafting error or drafting technicality that they got into double negatives, and the "notwithstanding" which is in the article, the second paragraph of article VI, really throws a real question mark on what that means.

I think we knew what it meant, but it is less than clear language on what we tried to achieve.

Finally, the range issue on the INF missiles. This really does need to be cleared up because again it gets into one of the definitional problems. You see, many of the problems with verification on this treaty is the definition of the terms, whether it is weapons delivery system, whether it is fuel exhaustion, or whether it is new type.

And this last letter that we have from Mr. Fox that Senator Nunn referred to, it gets in and basically says that if in fact you test a missile over the INF range, say at 5,500 kilometers, and then change it a little bit, like putting on different RV's, and test it in an INF category, that that change would constitute a new type and therefore would be banned.

But I am not sure where that comes out in looking and trying to find it in the negotiating record. I am not certain that the Soviets have that understanding of it. And it gets down to these very difficult issues on where we try to define it. Like the new type, it is very difficult.

The word that we heard from Ambassador Glitman and others was the word "indistinguishable," that if in fact it was indistinguishable, therefore it would not be a new type. Well, you get into definitions like that and it becomes very, very problematic.

And I think we have to know that there are some very problematic areas when it comes to definitions that we will have to accept as we make that determination whether to support the treaty or not.

But I again congratulate both Senator Nunn and Senator Warner for leading the committee through a very exhaustive detailed study of this treaty. It was handled in an extremely professional and polite way. It was an interesting experience.

I enjoyed it, and I think that they are to be commended for the way they led this committee. And so we are able to give you a very full report today, Mr. Chairman.

Senator NUNN. May I just thank Senator Quayle and Senator Warner for your splendid work in this area. It has been totally bipartisan and we have worked together, the staffs have worked together.

I might say, in light of your final comment, Senator Quayle, I have about enjoyed all of this I could stand for a while.

We have to get our bill out now, so we are going to dump it in your lap and we are going to try to complete these issues. But we will be looking for the Foreign Relations Committee, to its strong leadership on the floor on this one, and we will help you wherever we can.

The CHAIRMAN. Thank you very much indeed.

Senator Helms.

Senator HELMS. You fellows have been working on this this afternoon. Are you aware of the closed session of the Senate tomorrow morning at 9:30?

Senator NUNN. Right, we are.

Senator HELMS. Well, you can be sure that there is going to be great discussion, at which I hope all three of you will participate.

Let me say to you gentlemen that you have done a workmanlike job and I appreciate it. You have raised questions that I have tried to raise here. I was shouted down a lot of the time, but that is all right, too.

But with reference to the futuristic weapons program, Mr. Chairman, you will recall that I touched on this subject last week when I offered a couple of amendments dealing with hypervelocity glide vehicles and remotely piloted vehicles, RPV's.

And I expressed concern at that time that these high-technology missiles might be prohibited by the treaty, and here you come. Thank you very much.

While some colleagues scoffed and did not want to even discuss it, they said the treaty was just fine and dandy and perfect and all of that, the Armed Services Committee—and I bless you for it—you certainly underscored the importance of these programs which needed doing, and you stressed the damage to the U.S. security interest that would be done if these programs are inadvertently or otherwise prohibited by the treaty.

I thank you for that, because it needed to be said.

Senator NUNN. Senator Helms, may I make it clear that we have not done a detailed assessment about damage. But we do believe that if there is misunderstanding on this point and if we are not clear that both sides are going to understand it completely, we could have a real big dispute in the future.

We think the administration has got to do an assessment about the question of damage. We do not pretend to have done that because it would work both ways. If we are permitted to develop these kinds of systems, the Soviets would also be permitted to develop them.

You have got to take into account two or three things in that respect. One is we have an advantage with technology in general, and this is future technology. That is not always the case, but generally speaking.

The other side of it is, though, these are certain range systems and the Soviets have a different geographical position than we do. And the question of what they develop in this futures area has to be weighed in terms of geography.

So, technology and geography I think have to be weighed, and I think it is important to underscore that we have not tried to do an assessment about whether we would be better off with the systems banned or without the systems banned. But we are saying simply, look, this is a problem and we have to have an understanding on it.

Senator HELMS. Well, in any case we can discuss tomorrow morning various aspects, including the distinguished Ambassador, Mr. Glitman, who acknowledged, if I understood him correctly, before this committee that the Cruise missile definition of the treaty was completed before—before—our negotiators even knew about these high-technology options.

So, there are a lot of questions that are coming to the surface now, and I am glad about that because I want the treaty to be as sound as possible, and I do not think it is nearly sound enough yet.

Senator QUAYLE. Let me just say one thing. What we have asked the administration to do is to come back and tell us what they think very specifically is banned by this treaty.

Senator HELMS. Right.

Senator QUAYLE. And I think it is very important that when they come back, that we make that determination now, rather than delaying it down the road and having some future Congress or some future verification commission say: "Oh well, this is banned by the treaty."

We have to really nail this thing down now, not even withstanding the military implications, because we have to really figure out what the treaty says if there was a meeting of the minds and to get that part of it down. I think this gets into a very difficult area when you start talking about this emerging technology and the futuristic systems.

But we did not prejudge which would be helpful. We are just saying, what did you all agree to and what is your understanding, and that is what is missing right now.

The CHAIRMAN. I wonder if Ambassador Glitman might care to comment at this point as to what is his understanding of the definition of what futuristic weapons are, and also what other comments you might have on the Armed Services Committee report.

Ambassador GLITMAN. Let me just say, Mr. Chairman, as Senator Warner pointed out, the administration is going to give a definitive answer on this question. And the discussion that we had with the Armed Services Committee was in a closed hearing, so I do not think we could get into it any further here in open session.

The CHAIRMAN. Thank you.

Senator Sarbanes.

Senator SARBANES. Mr. Chairman, I just wanted to clarify the record, in response to Senator Helms' complaint that he has been shouted down and scoffed at in the committee.

I simply want to say that I think the chairman has conducted a very thorough and open hearing. He has been very fair and generous throughout. And it is certainly not my perception that there has been any shouting down or scoffing.

I just wanted to enter that into the record, because I do think the chairman has bent over backward to conduct as fair a hearing as is humanly possible.

The CHAIRMAN. Thank you.

Senator HELMS. This is a family fight. Sarbanes goes on and on like this all the time. [Laughter.]

The CHAIRMAN. I thank Senator Sarbanes very much indeed.

Thank you.

Senator Cranston.

Senator CRANSTON. I have one question to address to Chairman Nunn. You stated at the outset that if the matter of interpretation of treaties was not cleared up in the course of our activities, that there would have to be an amendment.

I would like to just ask you exactly what you mean. Did you mean an amendment to the resolution of ratification?

Senator NUNN. Well, what I really have in mind, Senator Cranston, is we listed 15 or 16 questions we had that we listed here. We had probably another 40, 50, or 60 questions that are more of a technical nature. And all of those matters were dealt with either by written testimony, article-by-article analysis, oral testimony, or questions for the record.

The whole time we were getting clarification on all of these issues that we are not listing here, plus some that we are, we were basing it on what we deemed to be authoritative testimony that was binding on the administration, and that also would be deemed to have been considered by the Senate as a whole.

So, in other words, the committee work, this committee, Armed Services and Intelligence Committee, that is where all of the ambiguities are addressed. And if we are faced with an opinion, as implied in the Culvahouse letter, that the Senate as a whole has to address those issues, as opposed to the committee addressing those issues, it would mean that we would have to bring each one of those up on the floor of the Senate and deal with it on the floor of the Senate, so that the Senate as a whole would have addressed it.

That is what I mean by the clarification. They are not necessarily killer amendments in the sense that they would have to be renegotiated, but they are amendments that would have to be focused on by the Senate as a whole.

Now, that would make an absurdity of the whole committee process, and it would make an absurdity of the Senate itself, because we cannot operate that way on the floor of the Senate. We have to go into a lot of details. We have had 30 hearings, I do not know how many hours.

But we just cannot really—we put the treatymaking constitutional partnership between the executive and the legislative in great jeopardy if we have to do that. But unless we clarify this, I think we do have to go through that kind of procedure on the floor, which I hope does not happen.

I hope it is clarified.

Senator CRANSTON. As I understand it, you feel this can be clarified in a way that deals only with this treaty and has no bearing on the ABM Treaty or any other treaty?

Senator NUNN. I think that is right. I think we can do it where it applies only to this treaty. But by the same token, I do not think it ought to prejudice any other treaty.

I do not think that the fact that it has not been done in any other treaty should in any way indicate that that treaty is not binding on the executive branch as to understandings that have been brought up in committee.

So, while I would not try to resolve things like the ABM debate in this forum—by that I mean this treaty—neither would I want to see anything come out that looked like, if the other Senates had not taken every ambiguity and every legal, technical question and treated it as a separate amendment, that they in any way were derelict in their duty.

So, I think the key is making it neutral as to the effect on other treaties and dealing with at this point in time and hoping in the future we will have a clarification of this from the executive branch.

Senator CRANSTON. Thank you very much. That is very helpful.

The CHAIRMAN. Are there any other questions or worries?

Senator DODD. Mr. Chairman.

The CHAIRMAN. Senator Dodd.

Senator DODD. Sam, it sounds to me like here we are talking about somewhat of a delay in timing here. Do you see a necessity here—is there any wisdom, I suppose, in the committee not acting in the next several days, until we get some of these matters cleared up?

How much time are we talking about here, do you have any sense of that?

Senator NUNN. Senator Dodd, I think there are only two matters that we really believe have to be clarified in terms of possible understandings at this juncture. One is the double-negative problem.

The other is the more important policy question, and that is the future weapons issue. I do not want to presume to tell this committee how to conduct its business. The way we have worded our recommendation is that before final action is taken by the Senate, that we ought to address these two questions.

If the committee believes that it is important to go ahead with its markup and complete it tomorrow, we just wanted to alert you to this so that you could incorporate whatever you wanted to, whether it was a reservation or an understanding suggestion or whether it was simply a statement similar to what we have made, that the administration has to clarify these issues if we are going to go to the floor of the Senate.

I know you get into such things as, Mr. Chairman—and I have been through it myself—as to how long it takes to get a committee report ready, the staff needing to work during recess and those kinds of things to have things ready. So, I do not want to say that you ought to delay. I will leave that up to you.

But I do think the Senate itself, before we vote in terms of the final advice and consent on this treaty, these things have to be clarified.

Senator WARNER. Mr. Chairman, I would join my chairman in that. I would not suggest any delay. I think we would fulfill our obligation as the two committees if we properly framed to the Senate as a whole those areas to which the administration has pledged to respond in the next 48 to 72 hours.

Senator DODD. I appreciate your sensitivity about the prerogatives of the committee. My own personal view is sometimes these matters are dealt with in a more deliberate way in a committee environment than they can be dealt with on the floor.

There is always the danger when you are dealing on the floor that things can get out of hand a little bit, whereas in a committee environment you have the opportunity to have administration witnesses who can comment immediately on things that the committee may do and the like. And sometimes I think you end up with a better product coming out of that process in that way, rather than running the risk on the floor, where you do not have the benefit of advice from the experts as you proceed.

Of course, as we all know, the timing of an amendment, who is there, who is not there, these matters can be dealt with in a way

that you do not end up with the best result. But I appreciate your sensitivity about the committee's role on this.

Senator NUNN. I would add one other thing. Senator Quayle pointed out that this definition of range, which is the fifth issue I listed—I have already been over it, but I think that one also needs clarification. So, there are really three.

Senator DODD. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much indeed.

I would add here that when we close, we will have a closed session of the Senate tomorrow at 9:30 in the morning. In light of that, I wonder if we might not postpone our final vote until Wednesday and not tomorrow, taking into account some of these problems.

So, what I would suggest is that we meet tomorrow for the closed session at 9:30 and then meet in this room at 2 to continue the markup and continue on Wednesday, at 10 on Wednesday, and then vote to report the treaty at 3 p.m. on Wednesday.

Senator DODD. Mr. Chairman, is that your idea, to lock us in on that?

The CHAIRMAN. Yes.

We thank you gentlemen very much for being with us, very much indeed.

Sam, there is a little caucus of the Democrats, if you can join us afterward.

Senator NUNN. Today?

The CHAIRMAN. Today.

Senator CRANSTON. Right now.

Senator NUNN. On this question?

The CHAIRMAN. Yes.

Senator DODD. Mr. Chairman, my own view, and I have expressed it already once here, I am not inclined to move this, but I just feel sometimes if you can deal with these matters, I hate to lose a day or 2 or 3. And I know we have got a recess week coming up.

I may be just expressing my own view on this, but I feel better about crafting language that is this delicate in a committee environment, rather than running the risk. Now, obviously I may be a minority of one. If so, so be it. But I get a little nervous about getting to the floor and writing it on the floor.

Not that I do not trust the judgment of others who will make suggestions, but I just find that sometimes you can get things together better in committee.

The CHAIRMAN. I think we need the sense of the guillotine falling to bring us to a decision.

Senator DODD. I wish you would use another analogy.

[Laughter.]

The CHAIRMAN. But we do have to have some questions. There are now about seven different versions of the interpretive thing going around.

Senator DODD. That is another matter. I was thinking the chairman of the Armed Services Committee points out some clarification on that.

Anyway, that is just my view. As I said, maybe I may be the only one who has that view.

The CHAIRMAN. Would that be agreeable to you?

Senator HELMS. That would be agreeable to me, whatever.

The CHAIRMAN. I think to try to do it by 3 tomorrow anyway would not be a problem. So, let us agree that we have locked ourselves in, we are locked in now at 3 tomorrow. Let us unlock ourselves and relock ourselves for 3 the next day, and we can change it if necessary.

Senator KERRY. Can we unlock again?

The CHAIRMAN. We hope not.

The majority, the Democrats, will meet next in room 437 down the corridor for a few minutes. If so, we would be very grateful to see you.

[Whereupon, at 6:05 p.m., the committee was adjourned, to reconvene at 2:15 p.m., March 29, 1988.]

THE INF TREATY—MARKUP

TUESDAY, MARCH 29, 1988

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met at 2:15 p.m., in room SD-419, Dirksen Senate Office Building, the Hon. Claiborne Pell (chairman of the committee) presiding.

Present: Senators Pell, Sarbanes, Cranston, Dodd, Kerry, Adams, Helms, Lugar, Kassebaum, Pressler, Murkowski, and Evans.

Also present: Ambassador Maynard W. Glitman, Chief INF Negotiator and Head, INF Delegation; and Mike Matheson, Legal Advisor's Office, Department of State.

The CHAIRMAN. The meeting of the Foreign Relations Committee will come to order.

There is going to be a rollcall vote on the Senate floor, a 15-minute rollcall vote, at 2:30 p.m. So, what I would intend to do is to move at this time that we go into closed session, where we will hear from Ambassador Glitman. And we will do that when we come back from the rollcall vote at about 2:45.

We will probably spend about an hour, maybe more, maybe less, with Ambassador Glitman. Then it is my intention that we will come back here in open session and start working on the interpretive resolution on which Senator Cranston and others have been working industriously. And, after that is settled, we will try to handle the questions raised by Senator Nunn yesterday.

In the course of the time that we will be working on the interpretive resolution, some staff members will be working on the resolution of what has happened in the closed session.

So, I would suggest, I would welcome a motion that we should go into closed session. I would add that General Powell assured us that the administration would let us know today what the administration's position is on the futuristic weapons, the exotic weapons.

So, I would welcome a motion that we go into closed session.

Senator CRANSTON. I so move.

The CHAIRMAN. It has been moved that we go into closed session. Is there objection?

[No response.]

The CHAIRMAN. Without objection, it is agreed, and we will meet you next door at about 2:45.

[Whereupon, at 2:17 p.m., the committee proceeded in closed session.]

[Whereupon, the committee resumed its markup.]

The CHAIRMAN. The Committee on Foreign Relations will come to order.

We are now in open session and the committee resumes its consideration of the INF Treaty for the purpose of, one, resolving the question of treaty interpretation, and two, addressing the issues raised by Senator Nunn in his testimony yesterday.

The treaty interpretation issue, which arose during the ABM interpretation debate, is whether testimony and submissions for the record by the administration with regard to the INF Treaty are to be considered authoritative and binding by this and future administrations.

Secretary Shultz has written to the majority leader assuring him that administration testimony will be authoritative, and that this administration will not reinterpret the treaty.

This administration, however, cannot bind a future administration to recognize the authoritativeness of testimony given by the Reagan administration. Nor has the Senate been assured that, as a matter of principle, this and future administrations are bound by the interpretation of the treaty provided by the Senate prior to its giving advice and consent to ratification.

As a result, the majority leader and the chairman of the Armed Services Committee have urged our committee to attach a condition to the treaty nailing down these points.

In the absence of such a condition, we have been told that some 16 separate conditions would have to be attached to the treaty to clarify ambiguities in the text, since the Senate could not count on the administration's explanations as being authoritative and binding.

Senator Biden initially took the lead in drafting a treaty interpretation condition. And after his illness, Senator Cranston and others have been active in carrying forward Senator Biden's work.

Yesterday, major efforts were made to fashion bipartisan agreement on language that would deal with the problem without prejudicing positions for or against the ABM reinterpretation.

Senator Cranston, I know, has spoken with several Members this morning in an effort to achieve a consensus, and I believe we would all benefit from a report by him at this time.

Senator CRANSTON. Thank you very much, Mr. Chairman. I appreciate all of the efforts that you have been making on this issue.

I want to begin by making clear that the issue before us is one which we must confront by necessity, not by choice. It is an institutional issue which goes to the heart of the meaning of the long treaty ratification exercise in which we, as the Senate committee of jurisdiction, are engaged.

It is not, or at least it need not and should not be a partisan issue. The question, simply put, is, How can we ensure that the Senate and the President share a common understanding of our obligations under the INF Treaty.

It is not an academic question, and it is not one devised by mischievous legislators as a means of introducing a divisive element of complexity into our INF deliberations. Rather, it is a question thrust upon all Senators by the awkward efforts certain State Department lawyers have made to reinterpret U.S. obligations growing out of the 1972 ABM Treaty.

We are not trying to resolve that ABM dispute today. And I want to emphasize that point. We are not trying to resolve the ABM dispute.

Indeed, as the report language we will offer makes crystal clear, the language on interpretation of the INF Treaty which we offer today is not dispositive of the ABM reinterpretation issue, nor should the failure of Senators to address treaty interpretation principles during the 1972 ABM Treaty ratification process be deemed to have any bearing on the interpretation of that treaty.

The ABM SDI traditional interpretation versus broad interpretation debate has become charged with emotion. We must set it aside if we are to resolve the task before us, which is to vote on consenting to ratify INF.

Having said what our amendment to the resolution of ratification does not do, let me briefly clarify what it seeks to accomplish. Our amendment is an understanding which governs Senate consent to ratification.

It is a category 1 condition, which the President is obliged to accept as governing on his authority to exchange INF instruments of ratification with the Soviets. It is treaty-specific. It applies only to the INF Treaty.

It stipulates that the U.S. Government shall interpret the treaty on the basis of the shared understanding of the Senate and the Executive at the time of ratification. It defines the shared understanding in language that is essential and quite clear.

Our shared understanding is not limited to areas where the Senate has amended the resolution of ratification, or where is extensively debated a specific provision on the Senate floor.

Our shared understanding is based primarily on a commonsense reading of the text and upon authoritative representations about this text provided to the Senate and its committees by administration officials during the ratification debate.

Adoption of this plain and simple language will liberate us from an exhaustive and absurd obligation to speak in the resolution of ratification to our understanding of every word of the treaty, and to explore with care every detail of the negotiating record. It allows us to rely on the administration testimony without the cumbersome, time-consuming process of restating it.

I have hoped that this simple language, which does not prejudice the past ABM dispute, could be adopted unanimously, with the support Senators on both sides of the aisle. I have worked closely over many weeks with a number of Democratic and Republican Senators on and off this committee, and with Secretary Shultz and Howard Baker, in an effort to work out a bipartisan solution.

We sought through hours of good faith discussions and countless drafts to devise a remedy which could invite consensus support and which would avoid partisan divisions. I regret that we do not seem to have found that consensus.

I know that basically the White House and Republicans wanted no interpretation language. I applaud them for their willingness to consider, however, various proposals.

Yesterday, some key Republicans and some key Democrats in the matter that our chairman just referred to, seemingly agreed to one proposal. But on second thought, some of the participants backed

away, and when other Senators were consulted they found fault with that proposal.

Frankly, I walked into this room today not knowing which of the three latest versions I should offer. One that I did not prefer, but which I was prepared to support if it would provide the basis for a consensus, was amazingly simple and amazingly short compared to some of its predecessors, at least. It consisted of only five lines, and it said only this:

> Subject to the condition that all explanations of the text of the INF Treaty, provided to the Senate and its committees in testimony or submissions for the record by the Executive prior to the Senate's advice and consent, shall be binding on the Executive.

Frankly, I fail to understand why that was not acceptable. If the Senate cannot rely on what the executive branch tells us a treaty means, how are we to work with the executive branch in making the treaty process work? Not just on INF but on START, and on all treaties to come?

If we do not resolve this issue in an appropriate way, if we settle for a solution that undermines the Senate's role in the treaty process, we who serve together in the Senate now may well be charged with giving away the Senate's treaty powers.

So, in the absence of an agreement, I will now offer a proposal that I and others on this side of the aisle believe to be the best of the many alternatives we have considered.

It has been crafted in a way to make it as acceptable as possible to those on the other side of the aisle, particularly in that it explicitly applies only to the INF Treaty.

I want to thank all Senators, most of all the unfortunately absent Joe Biden who did so much of the initial spade work on this issue, and I want to thank administration officials for their constructive input and efforts. But now the time has come to vote.

The proposal I offer is, I believe, fair and balanced, and really, in my opinion, meets all reasonable and all legitimate concerns expressed by parties to this dispute. So, I urge all Senators to support it. It is now being passed out.

The CHAIRMAN. The proposal is open to discussion. Senator Dodd.

Senator DODD. I think Senator Lugar sought recognition earlier. Why do we not just go back and forth?

The CHAIRMAN. Senator Lugar.

Senator LUGAR. Well, Mr. Chairman, I must say that I come to this meeting with a great sense of regret, because those of us who want to see this treaty ratified, and I am one of these, had hoped we would come to a better pass.

And the proposal that the distinguished Senator from California has made, as he knows, is unacceptable to the administration, and to a large number, if not to all, Republicans.

It is simply not the case that the Senate must necessarily mistrust every word of the Executive, of the President of the United States, of the negotiators, or must clarify by amendments, reservations, or conditions, every single stipulation in the text.

This degree of mistrust, I appreciate, arises from the dispute we have had in the DOD authorization bill, the long battle over the Sofaer doctrine and the ABM Treaty, and the strong feelings of

many Members on the other side of the aisle about this issue. And I understand that.

But why that battle need be carried on endlessly, and in this case, in a way that may jeopardize this treaty, I fail to understand. I would just simply say that the Senator is correct that the President of the United States, the Secretary of State, and most Republicans, do not see the need for an interpretation amendment to begin with.

I think I have tried to argue consistently during this markup. I have tried to speak out on amendments offered on our side of the aisle, in a way that was not pleasant for me but which required strong refutation. I speak to the merits of this amendment. This is an unfortunate mistake.

Let me just review the bidding for a moment. Having felt it was an unfortunate mistake, I am partially guilty of trying to remedy it. To that end, I had a meeting in my office last Friday with Howard Baker, and he was there because he had been called by the majority leader, Senator Byrd.

Senator Byrd indicated that we have a very considerable problem. Appealing to his colleague, Howard Baker, the two of them attempted to see what could be done. Howard Baker and Colin Powell came over and discussed several revisions that might be in order if we had to go through this exercise at all.

On that basis, we crafted language. Senator Byrd called us to a meeting in his office at 1:45 yesterday afternoon, with Senator Simpson there in the absence of Senator Dole. So, the leadership of both of our parties tried to deal with this situation so that it need not become a partisan issue.

Senator Pell was graciously there. I was invited to be there. Senator Nunn was there. So, those five persons sat around the table. Each will have to speak for himself as to how he finally came out.

But my understanding as we left the room was we had a deal. And I was elated by that fact. Now, that does not mean the 95 other Senators signed on, and it is obvious a good many did not, or we would not be at this pass today.

But it came as something of a surprise that, at a caucus of Members on the other side of the aisle last evening, our work was summarily rejected. Some Members apparently felt that they ought to proceed in a clearly partisan way tp produce a product they knew in advance would not admit to any compromise on our side.

Mr. Chairman, my hope would be that, as opposed to adopting an amendment at this time, the committee would remain silent. If the committee cannot remain silent, then I would simply say I would have to oppose the amendment and I would ask many other Republicans who feel the same way, to oppose it.

And I think we would have to accept the fact that we will revisit this issue on the floor, at length, because there are many potential interpretation amendments. On our side of the aisle, we may have a raft of them.

Attempting to circumscribe this interpretation effort to a point where the administration and Republicans could find something good to say about any interpretation amendment was hard to do.

In a democracy, those who have the most votes win, and I think that will be the case today. I shall not demean the process or em-

barrass either the majority leader or the acting minority leader by offering as a substitute our work of yesterday, although I think it is superior for a good number of reasons, both logically and constitutionally to the amendment before us.

But at another time, in the event that there is a more receptive attitude on the floor, we may try again to remedy any committee action, or work to ensure that finally this idea of interpretation amendments is abandoned all together, which I would find more satisfactory.

I have not seen an amendment yet to this treaty that I thought was a very good idea. My own judgment is if we pass the treaty as is, we would be better off, as Americans and as Senators.

But I appreciate the spirit in which Senator Cranston has approached this issue, and he personally has had many conversations with me as he has tried to find consensus on his side of the aisle, as I have tried on my own. And I acknowledge that, just as I acknowledge the chairman's efforts in working to ensure that we would not come to this pass.

Having come to it, there still is no need to make a bad mistake. We, I think, can debate the issue, but to proceed to adopt this amendment presently seems to me to create another set of dilemmas.

The CHAIRMAN. Thank you, Senator Lugar. Senator Dodd.

Senator DODD. Mr. Chairman, having listened to our good colleague from Indiana, he makes, as he always does, a strong case and a logical argument.

But as Senator Cranston has pointed out, this is a problem which is not insignificant, unfortunately, and it created a major division last year. It involved, of course, the question of treaty interpretation.

I am of two minds. Either we write something that in fact says what the Constitution says, as clearly as the language can possibly be, or if we are left with something that is vague and raises more questions than it would answer, it ought to be left out.

I found most instructive and helpful a letter from Mr. Culvahouse, the legal counsel to the White House, dated March 17, 1988, to the Senator from Indiana, identifying criticisms of the original Biden language.

And as Senator Cranston has pointed out, Senator Biden, who is not with us because of illness, really does deserve a great deal of credit for trying to fashion something that does conform to the Constitution and not raise more issues than it tries to resolve.

Mr. Culvahouse in his letter to Senator Lugar identifies several problems with the original Biden proposal. And what subsequently occurred was an effort to take those criticisms and to address those criticisms.

Let me try to describe what this does. First of all, the language of the resolution being offered by the Senator from California is very, very simple, clear language.

It reinforces, as I said, exactly what is already clear from the Constitution. That is, that the Senate of the United States is a full partner of the President in making treaties, and that the Senate has to be accorded a full understanding of what exactly a treaty

means and what obligations it imposes at the time the Senate is asked to give its advice and consent.

This means assuring that the Executive and the Senate has identical understanding of the meaning and the legal effect of the text of the treaty at that time, and that subsequently the Executive does not have the right to unilaterally change the content of that understanding. That is all this amendment would do.

There should be no need, obviously, for this condition. But after the assertions of Mr. Sofaer, it became quite clear.

Mr. Chairman, I would ask at this particular juncture that the letter from Mr. Culvahouse, dated March 17, 1988, be inserted in the record.

The CHAIRMAN. Without objection.

[The information referred to follows:]

THE WHITE HOUSE,
Washington, DC, March 17, 1988.

Dear SENATOR LUGAR:

This letter responds to your letter to Howard Baker of March 9, 1988. The administration has reviewed the attached March 2 draft of a proposed Senate resolution of advice and consent to the ratification of the INF Treaty.

For the reasons discussed below, the administration believes that sections 1 and 2 of the resolution (hereinafter these sections are referred to as the "resolution") are seriously flawed. The resolution would change the legal rules of treaty interpretation. It would impose an unconstitutional mechanism for the alteration of a treaty interpretation. Moreover, it would greatyly increase the risk of inflexible distinctions between the meaning of a treaty for purposes of international law and its meaning for purposes of domestic law—distinctions that could operate to the disadvantage of the United States.

Therefore, we believe the resolution is not in the best interests of the United States.

Changing the rules of treaty interpretation

We agree that the Executive is, as a matter of domestic law, required to adhere to the interpretation of a treaty authoritatively shared with, and clearly intended, generally understood and relied upon by, the Senate at the time of its advice and consent to ratification. The resolution, however, would purport to expand the Executive's obligation beyond this settled principle. Sections 1(b) and 2 of the resolution apparently would define that shared understanding as encompassing *all* statements made by officials of the executive branch during ratification proceedings. These statements presumably include and attribute equal dignity to the Secretary of State's definitive article-by-article analysis and to the extensive testimony of Cabinet Members, treaty negotiators, and other executive branch officials, as well as to the administration's answers to over 1,000 questions submitted by Members of the Senate, no matter how trivial or how unimportant the issue addressed may be to the Senate's advice and consent deliberations.

This overly broad standard is inconsistent with the principles governing judicial interpretation of treaties as a matter of domestic law. Such a general statement would not in our view provide the guidance required for the President or a court to give meaning to the INF Treaty.

Section 1 of the resolution focuses solely on the role that Executive representations play in the interpretation of treaties, but fails to acknowledge the most important interpretative tool—the text of the treaty itself. Ignoring the text of the treaty is inconsistent with bedrock rules of treaty interpretation, which mandate that the text is the best evidence of the parties' intent. Although "authoritative representations" are among the tools for interpreting ambiguous provisions in a treaty under domestic law, the language of the treaty is the primary means by which a treaty is interpreted.

Unconstitutional mechanism for altering treaty interpretation

Section 1(c) of the resolution would purport to grant the Senate a role in iterpreting treaties not contemplated by the Constitution. Section 1(c) states that the "United States shall not agree to or adopt [a different] interpretation" of a treaty "without the approval of the Senate." This provision of the resolution and the sec-

tion 1(b) incorporation by reference of all Executive statements as critical shared understandings purport to provide the Senate with an ongoing power to accept or reject subsequent Executive interpretations and implementations of the INF Treaty. A "reinterpretation," subject to Senate approval, seemingly would occur each time implementation of the treaty calls into question any Executive statement in the massive ratification record. This section, therefore, interferes with the President's constitutional responsibility to interpret and implement treaties and also constitutes an unprecedented arrogation of treaty power by the Senate.

The Constitution does not provide that treaties may be amended by the Senate and the Executive acting alone after ratification, nor does it permit unicameral "interpretive" legislation. The provisions in sections 1(c) and 2 that contemplate such a process are not consistent with the Constitution.

Risk of unilateral restrictions on the United States

As noted above, when interpreting a treaty, one obviously looks first and foremost to the text of the treaty itself. In instances where the treaty text is not dispositive or if unclear, under *international law* one looks primarily to the negotiating record and the subsequent practice of the treaty parties. As a matter of *domestic law,* however, the President is bound by shared interpretations which were both authoritatively communicated to the Senate by the Executive and clearly intended, generally understood and relied upon by the Senate in its advice and consent to ratification. This is true even if the treaty negotiating record and subsequent practice indicate an interpretation contrary to that shared understanding. Exchanges in Senate proceedings in connection with the ratification of a treaty cannot under international law alter the meaning of a treaty where they are not officially communicated to the other treaty party prior to the exchange of instruments of ratification. The result might be two INF treaties, one binding domestically against the President and a second one binding internationally between the United States and the Soviet Union. In our view, the resolution would substantially increase this risk of a dichotomy between the interpretation of a treaty under international law and the interpretation to which the President constitutionally is bound under domestic law. While we have spared no effort to ensure that administration statements reflect the correct interpretation of the INF Treaty, the magnitude of the record heightens the risk of divergence between our domestic and international legal obligations. Any such difference will favor the Soviet Union because the Soviet Union is not and cannot be bound by our domestic processes.

The principles of treaty interpretation stated herein in no way contradict the position previously taken by the administration with respect to the ABM Treaty. The President is obligated to abide by a treaty interpretation clearly intended, generally understood and relied upon by the Senate, based on authoritative executive branch representations during its advice and consent to ratification. Our position in the ABM case is not that the President may disregard such clearly intended interpretations, but rather that the ABM Treaty ratification record does not establish as a matter of law that the Senate clearly intended that the restrictive interpretation be followed. Administration witnesses had presented inconsistent and ambiguous views on the reach of these provisions, and the Senate as a whole did not assert a view. The President, therefore, is legally entitled to interpret the ABM Treaty on the basis of materials other than the ratification record, including the negotiating history. As you know, we believe that the negotiating record shows that the Soviet Union did not agree to be bound to the restrictive interpretation.

This letter is presented in a spirit of cooperation and in the hope that the Senate and the Executive can agree that the INF Treaty should receive the advice and consent of the Senate without any conditions. We do not believe that it is necessary or desirable to address broad, freestanding constitutional principles in a resolution of advice and consent. We believe that the proposed resolution only serves the interests of confusion, ambiguity, confrontation, and uncertainty. This administration, of course, intends to consult closely with the Senate as the INF Treaty, upon ratification, is implemented and interpreted, and we will continue to embark upon such consultation in candor and good faith.

This letter also reflects the views of the legal offices of the Department of State, Department of Defense, the Office of Legal Counsel, Department of Justice, the Arms Control and Disarmament Agency, and National Security Council.

Sincerely,

ARTHUR B. CULVAHOUSE, JR.,
Counsel to the President.

Senator DODD. The original text, this text, as I pointed out earlier, was criticized by the White House legal counsel. There were basically two criticisms of the original draft.

One, as underplaying the text of the treaty itself as the most important source of authentic interpretation. And two, as giving equal authoritative value to all parts of the extensive testimonies and submissions provided by the Executive in this process.

To allay the concerns of the White House, suggestions or modifications were made to the resolution which are now included in the draft as proposed by the Senator from California.

One, in section (b)(i), it restates the primacy of the treaty text itself, and narrowing, No. 2, the relevance of Executive testimonies and submissions to those parts that were actually given as authoritative explanations of the actual language of the treaty.

This excludes, for instance, the general political and military background, the history of the negotiations, et cetera, which are all important, extremely important, and authoritative, but were not meant to be taken as having an explanatory value directed at the actual text of the treaty.

In sum, Mr. Chairman, this wording binds the Executive only in those parts of its presentations where it analyzes and explains the text itself, such as, this is what these words mean, and this is what their effect is under international law. Careful reading of the resolution will indicate that that is specifically what we are doing here.

While this dispute originated, as I have mentioned earlier, in the ABM Treaty controversy, this particular text avoids trying to solve that controversy using the ratification procedure of this treaty, as Senator Cranston made clear.

One can vote for this amendment and still support the broad interpretation of the ABM Treaty because that debate is mostly over facts, and this amendment is over constitutional principles.

You ought to vote against this amendment, this proposal, I would suggest to you, only if you believe that under the Constitution the executive branch can bring a treaty here, give you an authoritative explanation directed to the meaning of its text, and then after the treaty is ratified return and state that that was not really what the text meant. It meant something else.

If you accept this, that notion, then you ought to vote against the Cranston proposal. This is by no means a partisan issue, as has been pointed out. And you are misled if you believe so. It is a constitutional-Executive-legislative issue, not a partisan one.

It may well be that the next time this condition is relied on, it will be invoked against a Democrat in the White House and not a Republican. We should finally dispose of a red herring that has been raised.

The March 17 letter of the White House counsel raises the possibility that this condition would increase the risk of a treaty having one meaning domestically and a different meaning under international law.

First of all, this objection is a little bizarre, I would add, from a White House that is trying hard to give the ABM Treaty a domestic meaning that is very different from its meaning with the Soviets under international law with respect to one of its crucial provisions.

Second, while the possibility for dual effect always exists in theory, the modifications that were added to this resolution restricting the binding effect of Executive presentations to those parts that speak directly to the text of the treaty minimize, I would suggest, this danger.

Third and last, disputes over the interpretation of an international agreement almost never occur the Sofaer way. That is, by an attempt to reverse the very meaning of a treaty provision authoritatively given at the time of ratification.

Interpretation disputes typically arise in two ways. One is a legal gap. A treaty was supposed to have covered a given set of circumstances, but by a drafting error, or oversight, it does not.

There is no treaty text covering the case. Therefore there can be no shared understanding between the Executive and the Senate. And the President is free under those circumstances to enter the dispute with our treaty partner to try and work out the issue under the rules of international law.

Second, the type of dispute arising from changed circumstances. New facts not foreseen and provided for at the time of writing of the treaty. The result, I would argue, there is the same. No shared understanding could exist with the Senate therefore, and the President would have a free hand to negotiate a solution with our treaty partners.

Mr. Chairman, I give these examples to illustrate not how much but how little this finding and condition will bind the President.

I would add and conclude with this point, Mr. Chairman. What it says is that the Executive has no right either to mislead the Senate or unilaterally change what was mutually agreed to under the Constitution.

That is all this proposal does. It is drawn tightly and narrowly to make that particular case. And I would hope and still urge that this kind of language would be unanimously adopted by this committee.

I think it would be of great help, not only in terms of this particular proposal, but I think down the road, that you have language where the primacy of the text comes first. Mr. Culvahouse is correct in that.

He was also correct that it ought to be authoritative sources, only speaking to the meaning and the legal effect. You cannot possibly go back to the volumes of boxes and documents. It only addresses those two points.

And Senator Nunn and others made the suggestion the committees, so be clear that the testimony before the committees be included that language, and no one can really disagree with that.

It seems to me that has been the tradition to include that kind of language here. It clears up that matter, it seems to me, once and for all.

Mr. Chairman, I would urge the adoption of the resolution.

The CHAIRMAN. Thank you, Senator Dodd. Senator Helms?

Senator HELMS. Thank you, Mr. Chairman. The problem with the proposal of the distinguished Senator from California is that it binds us in international law but leaves the Soviets home free.

Furthermore, it has got so many subjective words in it I do not know exactly how to proceed. Let me ask the Senator, what is approval by the Senate? Does that mean a Senate resolution?

Senator CRANSTON. That would mean the resolution of ratification of the treaty.

Senator HELMS. No, that is not the way it works.

Senator CRANSTON. Which approval are you referring to?

Senator HELMS. Well, in the last line, "without the approval of the Senate. The United States shall not agree to or adopt an interpretation different from that common understanding without the approval of the Senate."

Now, what do you mean by "approval"? A statute? A resolution?

Senator CRANSTON. I mean an action by the Senate that became a binding law that would change the meaning of the treaty.

Senator HELMS. Well, in the case of the Senate, the only constitutional method for enforcing its will regarding the meaning of a treaty, when its view as a body is at variance with that of the President, is to pass a statute, presumably over the President's veto.

Well, where is this common understanding found other than in the treaty, and in the resolution of ratification as approved by the Senate?

Senator CRANSTON. Well, it obviously comes, first of all our understanding of what we are doing depends upon what the administration and its authoritative presentation to the Senate or its committees states is the meaning of the treaty.

As to Senate approval, let me be more precise in responding to your question about that. The phrase, "approval of the Senate," under our practices, encompasses three possibilities, each of which would lead to or would legitimately result in the United States adopting a different interpretation of the treaty.

One, an amendment to the treaty, accomplished by protocol or other means, and ratified by the Executive with the advice and consent of the Senate. Or two, a change in the treaty's terms of implementation, agreed to by the parties under procedures established by the treaty, as originally ratified with the advice and the consent of the Senate. And three, a subsequent statute.

Senator HELMS. Well, let me suggest, or maybe I will just inquire, would you be willing to change the wording of the last line to say, "approval of Congress by statute"? Then that would be constitutional.

Senator KERRY. Not as to the first possibility you could not do that.

Senator HELMS. Pardon?

Senator KERRY. The Constitution provides, as to the question of a treaty protocol change, only the Senate ratifies.

You could do it certainly as to the latter two, you could do it statutorally. So you would have to bifurcate the phrase. You would have to have one referring to the approval of the Senate for a ratification protocol change, and the other as to the common understanding of Congress.

Senator HELMS. Well, I have talked to some pretty good constitutional scholars about this thing, and they do not agree with you. I am not a lawyer, that is one of my few virtues.

Well, let me go further, Senator. Who defines "the common understanding"?

Senator CRANSTON. That common understanding, as the proposal states, is reflected in the authoritative representations provided by the executive branch to the Senate and its committees in seeking Senate consent to ratification, insofar as such representations are directed to the meaning and legal effect of the text of the treaty. That is about as clear as you could have it.

Senator HELMS. I do not think it is. In (b)(i), who interprets the meaning of the word, "based"?

It says, "Such a common understanding is, one, based on the text of the treaty." Now, who decides that?

Senator SARBANES. The text of the treaty would.

Senator KERRY. The text. But that is the process as to any treaty that we have today, whether it was the SALT II or the ABM or any other.

Until Judge Sofaer submitted his treatise, the text of the ABM Treaty stood since 1972 as its statement of what it meant, and the parties operated on the basis of the negotiating record and their common understanding of it, and on the understanding by which the Senate ratified it.

And there is a long tradition in law as to who interprets the treaties in that way.

Senator HELMS. Then, there is the word "reflected" in (b)(ii). "Reflected in the authoritative representations." How do you bind a future President or Congress?

I guess, in anticipation of this, I had it drawn up for me, it says, the Cranston language, or that of any similar proposal, is unacceptable because it attempts to change principles of international law through American municipal law. And international law, municipal law is domestic law, as the Senator well knows.

And would thereby tend to bind the United States to higher standards than those required by international law or observed in practice by other contracting states. In this case, it would be the Soviet Union.

Moreover, it also contains the curious provision that a reinterpretation will be submitted to the Senate for consent.

Now, unless a reinterpretation, and I am talking about the whole argument now, unless a reinterpretation is in the form of a proposed treaty amendment between the United States and another contracting sovereign, in this case the Soviets, which would in effect be a new treaty, this proposal would permit unicameral legislation, just the point you made, which is prohibited by the Constitution.

Since the Constitution is supreme over treaties, not to mention material merely incorporated in a resolution of ratification, the Cranston provision for reinterpretation would be in any event a nullity, because in the repeated words of the Supreme Court, if it is prohibited by the Constitution, then it is void.

I think Senator Lugar in his eloquent remarks made that point, certainly implicitly. Now, I do not know where you are headed with this thing. And I have not questioned anybody else on this side.

But I think you have got so much subjective wording in this thing that it can mean almost anything. I could not support it.

Senator KERRY. Mr. Chairman.

The CHAIRMAN. Senator Kerry.

Senator KERRY. Quickly, in answer to that last comment, I would point out, if the Congress passes a statute, which is the requirement by which one form of change could take place, then the Senate has passed it.

So, the language, in fact, would apply as a statutory change. It does not say here that the House is precluded. It does not say here that there will not be the normal process of change.

It merely says that, if there is something different as a matter of interpretation, the Senate will pass on it. So, if the two alternatives of the Senator from North Carolina that involve bicameral action are affected, then you will have the Senate as part of it and that language applies.

If, on the other hand, it is the first option for change, which is a change in protocol negotiated between both parties, then it is only the Senate that will apply. But in both cases, the Senate applies.

Now, I am not sure that, you can argue about whether "reflected" versus "based on" or other words might be used.

But if I may, I would like to review the bidding here for a minute, because I think it is really important to understand what is going on and where we are.

I listened carefully to the Senator from Indiana, but I did not really hear why he specifically objected.

Up until a short time ago, there was a common understanding, and a common interpretation of a treaty. And the Senate voted on that.

Now, I as a Senator, sitting here listening, as we have in one of the most exhaustive processes that the Senate has ever gone through on a treaty, to my knowledge, it has been long, and other committees have been brought in. Each word of the treaty gone through, and innumerable classified briefings held in order to enable us to frame an original intent as to this treaty.

Now, most of the members of this committee on the other side have made much about the concepts of original intent as to the Constitution, and I think it is very important what our original intent is as to the ratification process.

What do we mean today, as we the Senators voting on this treaty sit here and decide? Now, this treaty cannot become law, it is meaningless, unless the U.S. Senate at this point in time votes on it.

It is not law. We are constitutionally required an essential part of making this a law. And true to the long doctrine of congressional process, legislative intent is determined on the basis of what we say here in these hearings, what is exchanged on the record that is built.

For the administration to assert at any point in time that something that we never saw, something that was never a part of that process, something that never entered the consciousness of the Senator making that deliberation as to what is original intent, should somehow 10 or 15 years later be relevant to say what this treaty

really means, destroys the entire notion of Senate advice and consent process, and undermines the Constitution of the United States.

Now that, I think, is the principle. I mean, that is what we are really talking about here, in plain and simple terms. You want to review the bidding, the bidding is this is the Constitution of the United States, that is either going to mean something or not.

The Senate is either going to be essential to the process and what we say today is going to have meaning, or it is not. And I think, while this may not resolve the debate in the ways that the Senators from California and Connecticut have said, because there are factual disputes, it clearly asserts the primacy of our role and the importance of this process having meaning.

And I think the language is frankly extraordinarily straightforward. It says the United States will interpret the treaty in accordance with the understanding of the treaty shared by the Executive and the Senate at the time the Senate consents to the ratification. Pretty straightforward.

What does it mean? It means what Ambassador Glitman and all the others have explained what each phrase means, and what their understanding is and our understanding of the words, and we have had a chance to question them.

And that common understanding, referred to in the first sentence, is, based on the text of the treaty, which is true historically of all treaties and all laws and all documents, and second, reflected in the authoritative representations, because it is based on the text of the treaty, as reflected in the words that have been used to describe that text.

That is in the documents submitted to us and the record. And all the last sentence says is, we are not going to change it. The United States will agree not to adopt an interpretation different from that common understanding, without our assent.

And I think it is very straightforward, and I would like to hear beyond what the Senator from North Carolina has said why it presents such a problem.

Senator HELMS. Let me respond, if I may. There is a lot that the Senator said with which I agree. But the questions have not been answered.

Who decides what is the common understanding? Who decides what is meant by "the approval of the Senate," and so forth?

Now, a lot of us have been working on this thing and certainly thinking about it. I remember the day that the distinguished majority leader, for whom I have a healthy respect, he is a bright, bright Senator, sat right at that table and he gave us a pretty good civics lesson on this and other things related to the treaty. And I know he has been interested in this.

I will be persuaded somewhat, not totally, if you tell me that this is what the majority leader wants. Is this language that he wants?

Senator KERRY. As a matter of fact, the majority leader said in our caucus today that this language is very much what he wants, and he asked us to come out here and pass it.

The CHAIRMAN. If I might interrupt for a second, I asked him specifically, this is the piece of paper, this one, and he said, this is what he hoped we would pass.

Senator HELMS. So, this represents the position of the majority leader?

Senator KERRY. Yes, it does.

Senator HELMS. That is certainly interesting, because there have been other statements made. Well, excuse me, Mr. Chairman.

Senator LUGAR. May I respond, Mr. Chairman, because my name was mentioned in the course of this discussion?

The CHAIRMAN. Senator Lugar.

Senator LUGAR. This discussion, at this point, does unfortunately trigger off, I suppose, much more of the history of the issue than we ought to get into right now.

I would just say that, even though many Members of the other side of the aisle have been deeply worried about Judge Sofaer and believe there was a hole driven in the Constitution by his reading of the ABM Treaty, in fact Judge Sofaer made in my judgment an arguable interpretation of the ABM Treaty, and agreed statement D. And the ambiguities involved in the ABM Treaty negotiating record very clearly could support the assertions that he made.

Now, in our system of checks and balances, the Congress need not agree with Judge Sofaer. Indeed, a majority of members did not, in due course. In order for Judge Sofaer's opinion to have effect with regard to the SDI program, authorizations and appropriations have to be made, administrative actions have to be taken.

The desire to continually refight this battle and to say the constitutional process somehow failed, or checks and balances failed to operate, is simply inaccurate. Whatever Judge Sofaer's opinion, it has not been made operative thus far, largely because we do have two parties and we argue about these things; there are the powers of Congress and the powers of the administration.

This desire to keep tinkering and tinkering through the INF Treaty amendment process with the ABM interpretation dispute is likely to cause us much greater difficulty than anything occasioned originally by Judge Sofaer's interpretation.

The fact is that many Members of the Senate were outraged by Judge Sofaer's opinion, and are still working that out in their frustrations. I appreciate that. I wish this particular INF Treaty did not have to take it on the chin while this process goes on.

And, as I have already admitted, I participated in an attempt to try to assuage some of the grief. But to argue, as I understand some are, that they are defenders of the Constitution, and some of the rest of us somehow are deficient in our understanding of that document, just will not cut it.

As a matter of fact, we really all are revering the Constitution, and I suppose are fated to argue about it a good bit. This may simply be the opening tipoff of the game.

The CHAIRMAN. Thank you. Senator Pressler has not had a chance to talk.

Senator PRESSLER. Mr. Chairman, I think I am somewhat amused because all of the amendments that have been offered have only gotten two or three votes here, because there is such a solid wall to keep the treaty clean.

Now, all of a sudden, we have an amendment that applies not just to this treaty but really is aimed at the strategic defense initiative, the ABM Treaty, the START talks.

But this debate, or this particular amendment, is clearly a killer amendment. My little conditions were called killer conditions, even though they were on the Helsinki accord—normally a popular thing.

But here we have truly what will be unacceptable to the administration, if this is attached to the treaty without working it out. It is a killer amendment.

We have been sitting here for several weeks, and several amendments I have offered have been voted down with only two favorable votes, on the grounds that they would somehow disturb the speed of passage of the treaty, that we have got to have this ready for the President when he goes to Moscow.

This is really an unnecessary dispute on this treaty. What we are really arguing about here is the interpretation of SDI in the context of the ABM Treaty, the START Treaty, and so forth.

So, I find it very ironic, having offered a condition on the Helsinki accords, just as a condition to the ratification resolution, that was voted down with only two yea votes, because it was called a killer amendment. Here we truly have a killer amendment before us.

Senator KERRY. Would the Senator yield for a question?

Senator PRESSLER. Yes.

Senator KERRY. Why is it a killer amendment to say that the treaty means what we have been told it means?

Senator PRESSLER. Well, it is a much broader principle than that, as my colleague knows.

The interpretation that is being sought here is really much broader than this. It is an attempt to get involved with the SDI, it is an attempt to say what the ABM Treaty meant.

Senator KERRY. It does not say anything about those treaties.

Senator PRESSLER. Well, that is what this is all about.

Senator CRANSTON. May I respond on the ABM point? The report language specifically would say as follows, which I am recommending, which we are recommending.

ABM dispute: This provision is not designed to resolve the dispute over or to constitute a final disposition of the ABM Treaty reinterpretation issue. Since the issue of treaty interpretation did not arise during Senate consideration of the ABM Treaty, and was not foreseen at that time, the absence of any action pertaining to interpretation of the ABM Treaty at that time should not be understood as having any bearing on the interpretation of that treaty.

So, it would explicitly state that it has no application in any way, shape, or manner, or by any inference to prejudiced consideration of the ABM Treaty interpretation, which is a separate matter. And this amendment specifically states it applies only to this treaty, the INF Treaty.

Senator PRESSLER. Well, when this comes to the floor, and I am sure there are the votes here to pass it, but when it comes to the floor it is going to be looked upon that way by other Senators.

The CHAIRMAN. Thank you. Senator Evans.

Senator EVANS. Thank you, Mr. Chairman. I am listening to the piety of the statements made around the table this afternoon, and I would have thought that both Pat Robertson and Jesse Jackson were in the audience.

The idea that somehow this should not be a partisan or it is a nonpartisan proposal is nonsense. It was drafted, as I understand it, and you can correct me if I am wrong, drafted after a caucus of the Democratic members of the Senate Foreign Relations Committee, without any Republican input or participation.

It is partisan and it is designed, and I will speak very frankly, it was designed as a jab in the eye at the administration. And its genesis clearly was the ABM Treaty interpretation by Mr. Sofaer.

Now, it may not be attached or it may, in report language, be distinct. But it is clear as to where it comes from and why.

We, too often, fight today's battles with yesterday's weapons. This is not the ABM Treaty, and I think inadvertently we may have gotten ourselves in a point where we may create more problems than we resolve.

We did not have, as I understand it, and this happened long before I was here, but during the debate on the ABM Treaty we did not have anywhere near as many words, pages, however you measure it, of testimony, nowhere near the number of questions, nowhere near the extent of the record.

We may have inadvertently gotten ourselves to a point where in the thoroughness of our testimony, and in the volumes of records we have created for this treaty, we have almost certainly somewhere in there created the potential for misunderstanding or different interpretations or problems.

But the chance of conflict does not come from those things which are clearly understood or those things which are the subject of the understandings we have all had of the treaty as we have gone through this process.

It will come because of new elements, things that were not contemplated at the time of the treaty, or the ambiguities which may still be in there, in some of the statements, and some of the questions which were answered, the hundreds and hundreds of questions which were answered during the course of the formal record-building.

The leadership, as I understand it, just yesterday agreed on a text, which has now been supplanted, that was rejected. It was a bipartisan effort. I think that it effectively, much more effectively than this, did an appropriate thing, although frankly I think nothing is really necessary.

There is no giving away of Senate treaty rights, the constitutional right of advice and consent. We will do that under this treaty. We do not have to add this to ensure that that is the case.

It was mentioned earlier that it comes right down to it, as the Senator from Indiana said, whether it is the ABM Treaty or this treaty or anything else, if a future Congress disagrees with what a President attempts to do, the power of the purse is a far more powerful weapon than any kind of proposal that might be added to the treaty.

The Senator from South Dakota, I think, said it well when he pointed out that from the very beginning there was a bipartisan effort, and I joined in that, to attempt to keep the treaty clean.

The Senator from California months ago hosted meeting after meeting where people gathered together to talk about the need to keep the treaty clean. Except, except now, a rigid insistence on a

particular set of words, on an amendment that is truly unnecessary.

It seems to me, Mr. Chairman, that the Constitution still is here. We do not have to restate or rethink what the constitutional rights of all parties are. The Senate is perfectly capable of using its power.

I would just point out one item out of many, which I think make this a faulty clause to add, if it is to be added.

When you say at the end, the United States shall not agree to or adopt an interpretation different from that common understanding without the approval of the Senate. Repeating, the United States shall not agree to or adopt an interpretation of the treaty different from that common understanding without the approval of the Senate.

Then, in the explanation, some have suggested that that could come in the nature of a statute. Well, that puts this Senator at a point where, if this is attached, I do not see how I can support the treaty.

Because I would be saying in essence that the two-thirds vote necessary to pass this treaty can now be reinterpreted by a majority vote, in the passage of a statute which applies to discussion of common understanding.

Now, there can be lots of arguments in the future and lots of changed Members, we, maybe at a time when no member sitting here is still in the Senate during the adherency of this treaty. And I think that that is simply an inappropriate thing to do.

Senator KERRY. Congress can do that right now.

Senator EVANS. I might say to those who are the sponsors that if this is attached, which it may well be, and if the continued insistence is on a partisan effort, which Senator for one will find it probably necessary to oppose the treaty itself.

The CHAIRMAN. Thank you. Senator Sarbanes.

Senator SARBANES. Mr. Chairman, I first want to recognize the very significant and substantial contribution which Senator Biden has made in addressing this issue, and I regret very much that he is not able to be here with us today.

Senator Biden, as we all know, convened joint hearings of the Senate Foreign Relations Committee and the Senate Judiciary Committee in order to examine carefully the nature of the treaty power in the light of assertions that have been made by the legal advisor at the State Department with respect to that power.

He enlisted as a consultant to his efforts Prof. Louis Henkin, who is the Chief Reporter for the Restatement of Foreign Relations Law, and who is clearly recognized as the outstanding authority in our Nation on this subject.

And I want to commend the Senator from California for offering the provision that is now before the committee for its consideration.

First of all, on the issue of keeping the treaty clear of amendments, that has been done. This amendment does not deal with the substance of the treaty. This is not an effort to alter the meaning of the treaty.

This is an effort on the part of the Senate to obtain an assurance about the meaning of various substantive provisions, and in par-

ticular to assure that the common understanding is reflected in the authoritative representations provided by the executive branch in seeking Senate consent to ratification.

Insofar as those representations are directed to the meaning and legal effect of the text of the treaty, we have a very real problem, given the Sofaer assertion that authoritative representations by the executive branch shall not accorded such status.

This is an effort on the part of the Senate to provide that a common understanding be based on the text and based on these authoritative representations.

It seems to me unless we do something like this, we in effect may have been engaged in a vain exercise. So, I think it is an important provision for the committee to include.

We were confronted with an issue. I agree with the Senator from California, it was not by choice, it was thrust upon us by necessity. We did not raise this issue to begin with, it was in effect raised to us.

Now, the Senator from California, recognizing the sharp difference of views that are held on the ABM Treaty by Members of the Senate, in an effort to accommodate those differences and to stay out of that dispute, has made this provision apply specifically to this treaty.

The condition reads: "The United States shall interpret this treaty in accordance with the understanding of the treaty shared by the Executive and the Senate at the time of Senate consent to ratification"; and then goes on to state what that common understanding is.

Such wording reflects an effort on Senator Cranston's part to try to put forward a proposal that would be perceived and received in a positive manner by all of our colleagues. I regret that apparently that is not the case, from what I hear. But I think it was a good-faith effort on the part of the Senator from California.

There was an effort to avoid a sweeping determination here that would relate to the dispute with respect to that other treaty. But unless we make a provision for treaty interpretation, all of this work on its substantive contents will be for naught if someone can simply later assert that authoritative representations were not binding to the meaning and legal effect of the text of the treaty.

We have been going through this exercise now for months. And out of that, we need to reach a common understanding. The treaty does not go into effect unless the Senate consents to it. And the Senate's consent has to be premised on something that has meaning.

This makes clear that the authoritative representations provided by the Executive as to the meaning and legal effect of the text do, in fact, have binding significance. I think we need to add this provision to the treaty.

I do not think it runs counter to the effort to keep the treaty clear of amendments, because as I have pointed out, this does not deal with the substantive content of the treaty. This does not attempt to change or alter its provisions.

This condition is, in effect, an effort to assure that the provisions contained in the treaty do in fact carry the meaning that has been

presented to us by the executive branch in seeking Senate advice and consent to ratification.

The CHAIRMAN. Senator Kassebaum.

Senator KASSEBAUM. Mr. Chairman, I have always believed that the whole question of the authoritative representation and its standing through time was a very important issue, and it is one that I think is particularly important in the light of our whole debate and discussion.

I had really hoped that we would be able to come together and find language that we could all pretty much agree with in trying to address this issue, because I do not think it serves us well on something that is this important to have it a partisan issue, nor do I view it as a killer amendment.

But I would like to suggest, and perhaps this is something that you suggested, Senator Lugar, before I came in, that we continue to see if there is not some language that could be agreeable to a majority of the committee.

If not, I would have to say that I would vote against this language and then would be prepared to address it on the floor. But if we cannot find anything here in committee that works, then it will be a fight that will go to the floor.

The CHAIRMAN. That I understand. We have tried very hard, and that is why I think we should decide this issue.

Senator Cranston.

Senator CRANSTON. Mr. Chairman, I would like to reiterate the point that Paul Sarbanes made, that this is not an amendment to the treaty. It is a category 1 condition placed upon the resolution of ratification.

There is no rigid insistence on any language, as far as I am concerned, because I have talked over an incredible number of proposals to try to deal with this, with Republicans, Democrats, the White House, the State Department. I have been prepared to accept a good many of those.

I already stated today when I walked in here not knowing which of three would be the best to offer, until I talked to people on the other side of the aisle here. I, of course, did not get endorsement for this proposal, but the conversation led me to put forward the one that we did.

This was not drafted after a caucus of the Democratic members. This is the final draft of something that we have been working on for a long time, along with other approaches.

The fact is, I would like to point out to the Senator from Washington, that we already can and we already do change treaties by majority votes. That was done in the case of the PLO very recently.

And leaving it to riders on appropriation measures to determine what treaties mean or to reinterpret them or to revise them is certainly not a good way to proceed, as I know the Senator from Washington feels very strongly that we abuse riders on inappropriate measures, like appropriations measures.

There is a desire to work this out. We have made many, many efforts to work it out. I gather there will be further efforts made on the floor. Perhaps what we now have is a situation that simply calls the attention of people to the necessity of working this out in a sensible way.

It took a long time to really get the attention of the administration on the fact that this was a problem for INF. I began trying to tell the administration that that was the case weeks ago, and they were distracted by other matters, which is understandable, and they just did not focus.

Now I think they will be compelled to focus. And I would like to point out that the effort to work out a compromise here runs between people on the Republican side of the aisle, some of whom view this as a killer amendment.

I, of course, do not. I do not want to kill this treaty. But you also have the majority leader and the chairman of the Senate Armed Services Committee, two Members of the Senate, who have considerable weight, saying we must deal with this issue on this treaty.

If we do not find a way to deal with this issue on the treaty that is satisfactory to them as well as to others who have other views, we have a first-class problem. And, it is not only in this treaty.

We are going to have the problem on the START Treaty, if we get to that. We are going to have the problem on every treaty that comes up, until we resolve it. We are not trying to resolve it for all time. We are just trying to resolve it for this treaty.

If this is not the best way to resolve it, let us find another way. But in a bipartisan spirit of interest in the treaty process, in the role of the Senate in treaties, in the Constitution and specifically in arms control, let us find a way to do it and not be inflexible about it.

I think we will now have the attention of those who will have to be involved in that process, if it is to work. Therefore, I think that this approach will serve a very valuable purpose at this particular stage of the process.

Senator LUGAR. Mr. Chairman.

The CHAIRMAN. Excuse me. Would Mr. Glitman care to offer any position here?

Senator KERRY. Mr. Chairman, before he does, may I interrupt, and I apologize for doing it, but as per our agreement, we wanted to get the paper work moving on that other matter. Could we just vote quickly on that?

The CHAIRMAN. Well, let us vote on both simultaneously.

Senator KERRY. OK. I did not know you were about to come to a vote.

The CHAIRMAN. Ambassador Glitman.

Ambassador GLITMAN. Mr. Chairman, I have Mr. Matheson, the Deputy Legal Adviser from the Department of State, here to speak to this issue.

Mr. MATHESON. Mr. Chairman, first I wonder if we have the correct text here.

What we have starts off with the language: "subject to the following principles which derive as a necessary implication from the provisions of the Constitution."

The CHAIRMAN. Yes.

Mr. MATHESON. So that it clearly is in the context of something which is regarded as drawing necessarily from the Constitution, and is obviously restating constitutional principles.

The CHAIRMAN. That is correct.

Mr. MATHESON. Well, let me make four general points, if I might, then.

First, we do not believe that a treaty condition on this subject is necessary. The administration has paid careful attention to this issue, the highest officials of the administration have become engaged, and we have tried to address the legitimate concerns of Senators.

Secretary Shultz has provided the assurances in his February letter that the testimony of administration witnesses on the INF Treaty is authoritative, that the Senate can rely upon that testimony without the need for adoption of any conditions on advice and consent, and that the Reagan administration has no intention of changing the treaty as it is presenting it to the Senate. And this was confirmed by the Culvahouse memo.

In addition, we have on the record statements by Judge Sofaer, by Mr. Cooper of the Justice Department, and by Mr. Culvahouse, all of which acknowledge that the President is bound as a matter of domestic law in a case where the Senate generally understands and relies upon authoritative representations made by the executive branch during advice-and-consent proceedings.

The Senate does not need to adopt a treaty condition to indicate its understanding and reliance upon representations made by executive branch officials. There are many vehicles which the Senate in the past has used to indicate its understanding and reliance upon such matters.

For example, there are those which are cited in the administration's ABM study, such as sense-of-the-Senate resolutions, committee reports, and questions and answers exchanged with the executive branch. All of these are traditional tools by which the Senate makes its understanding and reliance known. A condition upon advice and consent is not needed.

In addition, the Senate has before it now the entire negotiating record for the INF Treaty. And so it seems unlikely that we could have a repetition of the ABM experience where evidently a major feature of the negotiating record was overlooked.

Second, we are concerned that a condition of this type will hurt the INF Treaty and its chances for ratification. Whether the principles in this resolution are expressly stated as applying to all treaties, or as a necessary implication of the Constitution, that is the same result. And if that is the case, then this necessarily engages a contentious constitutional debate, because principles which derive from the Constitution must apply to all treaties.

In addition, this resolution necessarily engages the ABM issue, because if you have principles derived from the Constitution, they of course apply to the ABM Treaty as well. And most important, they will be perceived that way. And therefore this issue will of necessity become, if nothing else, a metaphor for the ABM debate and the debate about the Constitution, as Senators have pointed out.

We are concerned that the adoption of one condition will make it more difficult to resist other conditions, and that the end result of that process may be that it will be more difficult to adopt a clean INF Treaty or to ratify the treaty in recognizable shape. We believe that the INF Treaty should be considered on its own merits,

and that we should not try to resolve other issues which may be extraneous to the treaty, even though they are important.

Third, if this is indeed a statement of principles which supposedly derive from the Constitution, then this condition cannot do what it sets out to do. That is to say, a treaty condition almost by definition cannot resolve a constitutional question. It cannot change the Constitution, it cannot codify the Constitution. It cannot limit future Presidents or future Senates.

It cannot set up new means by which domestic law can be created through the treaty process, nor can it set up a new procedure by which it can be changed. So, at most, it is only valid to the extent that it reflects the Constitution. Therefore it is not a useful tool, because it cannot change anything unless it is already so.

Finally, if these rules are meant to apply generally to treaties, and I think that follows from the statement that these flow from constitutional principles, then we are concerned that they are not appropriate as general statements of treaty law.

In the INF process, the executive branch has paid very careful attention to reviewing all executive branch statements to make sure that they are authoritative and correct. Senators have paid great attention to making sure whether they agree or disagree with what we have said, what they rely upon and what they do not rely upon. However, if we are talking about principles that apply to treaties generally, this is not necessarily a good description of what normally occurs. And I think it would be excessive and overly rigid to say that the Constitution requires that we give the status of domestic law to all statements made by the executive branch for all treaties, whether or not the Senate understood or relied upon those statements, and whether or not they were genuinely authoritative.

In other words, we are just asking that the INF Treaty be judged on its own merits, and not in the context of trying to deal with these other extraneous issues. Thank you.

The CHAIRMAN. Thank you very much. We have all had a chance to have a say, and I would hope that the time would come soon when we could vote and vote on Senator Kerry's point.

Senator Cranston asked to be recognized.

Senator CRANSTON. I would just like to say briefly that you stated the treaty should be judged on its merits. You have put your finger exactly on our problem.

We do not know how to judge it on its merits because the right to change its merits, its meaning, its interpretation, is being alleged.

You do not think anything needs to be done about this, you say. But the majority leader, the chairman of the Senate Armed Services Committee, and the majority of this committee think it is necessary, so that we can deal with this treaty.

And in the absence of dealing with the problem of interpretation, we do not know how to proceed with the treaty. The Shultz letter you referred to is fine. But it was negated by the subsequent Culvahouse letter, which contradicted it. It said there was no contradiction, but there was a contradiction.

I ask this. Are the opponents of this proposal that I have offered stating that the Executive can change its explanation of the treaty? If not, what are they saying?

I do not understand what they are saying, if that is not what they are saying. Because all we are saying is, they should not be able to change it.

Senator LUGAR. Mr. Chairman.

The CHAIRMAN. Senator Lugar.

Senator LUGAR. Mr. Chairman, we keep getting back to the ABM dispute, and the allegation that Judge Sofaer changed the rules of the game when he revisited agreed statement D, and parts of the negotiating record.

It is debatable whether he did or did not. These righteous claims that somehow or other this has all got to be remedied before consenting to this treaty, that we cannot have a treaty without affirming that administrative officials are giving authoritative testimony, is the first time this has occurred really in 200 years.

There is no need for this at all. Now, there may be a need on the part of Senators on the opposite side of the aisle to satisfy an argument they are having with the President. I understand that political need.

It is not a constitutional need. It is not a prerequisite to ratifing this treaty. And I just find it very, very difficult, to listen to testimony here in which it is alleged the Secretary of State gave one assurance, which was meant to calm the waters, but that Mr. Culvahouse contradicted that assurance in his letter.

In my judgment he did not contradict it at all. It has been asserted by some Senators that they have found some differences. But Shultz and Culvahouse were addressing two different matters.

They were asked to give responses to two very different situations. And both, it seems to me, were very forthcoming, truthful, and comprehensive in what they had to say.

This committee is rapidly reaching the stage where it can either debate the INF Treaty or argue about foreign policy prerogatives as between the executive and legislative branches, an argument that has been going on for 200 years without resolution. A lot of people want to have that argument and have had it really on all sorts of issues throughout 1987 and presumably through 1988.

It is an interesting issue. It may excite the American people and produce a good political hoedown, back and forth. But the sad fact is that a modest arms control effort will suffer.

As a member of the Arms Control Observer Group, I have watched our negotiators in action. They have a difficult job ahead of them when they look at this committee debate.

But they have a masterful job behind them, I think, in the drafting they have done in this treaty. And I just regret seeing some of this crumble around us because of the ABM interpretation battle. And it is crumbling.

Let us not make any bones about the it. This interpretation amendment is a serious issue, and represents a deliberate attempt to embarrass the President of the United States, to embarrass this administration, and to really stick it to them.

Now, we resent that on this side of the aisle. I wish you would not persist. If you are determined to do so, we will vote against it,

and we will fight it, because there are very important principles involved, not only with regard to the INF Treaty, but with regard to how the Constitution works.

Now, folks on the other side of the aisle have expressed their support of the Constitution. Well, we support it too. And we have a very strong view of what it says, and we are prepared to assert that.

Now, I had hoped we might somehow be able to debate the INF Treaty today. We have striven to do that. We have not succeeded as of this afternoon. If there is a determination to push on in this fashion, we will continue the battle. But it will be a battle.

And I just hope everybody will buckle their seatbelts, because they will have a real ride on this one.

Senator SARBANES. Mr. Chairman.

Senator KERRY. Mr. Chairman.

The CHAIRMAN. Senator Sarbanes.

Senator SARBANES. Mr. Chairman, first of all, I want to say that I welcome and share Senator Lugar's concern about the substantive issues of arms control. I do not think that is the issue here.

I think the question that was asked earlier is a good example. He said, "Who is running the show, the Congress or the President?" I am frank to tell you I think that is the wrong question.

That "either/or" does not reflect my understanding of the Constitution and how we make treaties in this country. In fact, I thought the essence of the treaty power was that the President and the Senate shared in that power; that they were partners in the process by which the United States entered into international obligations.

And in fact, the treaty clause of the Constitution states that the President shall have the power by and with the advice and consent of the Senate to make treaties.

All that is sought to be settled here, at least with respect to this treaty—and Senator Cranston was very careful to limit it to this treaty—is that it shall be interpreted in accordance with the understanding shared by the Executive and the Senate, based on the text of the treaty and reflected in the authoritative representations provided by the executive branch.

I think it is a straightforward effort to apply the constitutional system, as I understand it is supposed to work. It is not intended to constitute this polarization which Senator Lugar has suggested.

I dare say that if Members would stop and think about it carefully, I do not think anyone would want an Executive to be able to alter the interpretation of a treaty from the understanding based on representations that were made to the Senate at the time that they sought the Senate's approval.

I do not see how the Senate would have a role in the treatymaking process if that were permitted. Therefore, I support the condition offered by Senator Cranston.

The CHAIRMAN. Thank you. As I understand it, the essence of this is the Executive must be bound by what it tells the Senate in authoritative testimony and on the record.

Senator Evans.

Senator EVANS. Mr. Chairman, it was said that this is really different than all of the other amendments which have been proposed

and voted upon. I think there is more a distinction without a difference.

In a very real sense, many of the other amendments were nothing more than a request that the President certify certain things which I think the majority, the vast majority of the members of this committee thought were quite clear and did not need certification. And so we voted them down.

This is essentially the same kind of thing. It has been very clear from repetitive testimony, we just heard just a few minutes ago repetitive testimony by members of the administration that, of course common understanding governs the way in which treaties are to be interpreted.

I share some of the dismay and even the resentment of the Senator from Indiana, because it is clearly an effort to stick it to this President.

And we do not even, we apparently, the proposers of this amendment apparently believe the Soviets more than they believe their own administration, this one or whatever one comes next.

Why would it not be appropriate, if this is to be adopted, to exchange just a few words and adopt essentially the same thing by saying, instead of the United States shall interpret this treaty in accordance with the understanding of the treaty, just say the United States and the Soviet Union shall interpret this treaty in accordance with the understanding of the treaty shared by the United States and the U.S.S.R. at the time of the signing of the treaty?

Such common understanding as based on the text and as reflected in the parties, in the authoritative representations provided by the parties, insofar as the representations are directed, the meaning of legal effect of the text of the treaty.

Then go on to, the United States and the U.S.S.R. shall not agree to nor adopt an interpretation different from that common understanding without the approval of both parties.

Now, we would I think clearly all say that that is totally unnecessary. And it is just as unnecessary as this particular amendment. I think it is both inappropriate and unnecessary, and frankly, I think that fasten your seatbelts is a pretty good message, because I think we are in for hard times.

The CHAIRMAN. Senator Dodd.

Senator DODD. Mr. Chairman, I appreciate my colleague's comments. I take his last comment as being somewhat facetious.

Senator EVANS. Well, it is not facetious at all.

Senator DODD. The suggestion somehow that because those of us on this side did not begin this contest, this contest and the bidding, if you will, began last year when the administration, in my view and in the view of many of us, tried, to use the word of another Senator, stick it to the Congress on another matter.

This would not have come up had that not occurred. The reason, institutional obligation of the Members who serve here during a period of time to defend this institution from any President who tries to take away the responsibilities that are provided for in the Constitution.

That is what occurred here. That is how this began. All we are saying with this language is exactly what the Constitution provides

for. That has been the comment that I have heard from the other side today on this.

And to suggest somehow that we are doing something that favors the Soviet Union, or that we trust the Soviets more than we do the President, is absolutely unfair.

You may disagree with having this language included in here. But to suggest somehow that this is a competition of the Soviets versus the United States is absolutely ridiculous.

It is a statement of principle. This contest arose because after four administrations in 14 years an administration tried to find some new interpretation of a treaty that had worked very well. That is how this began. So, there is a very good reason to be suspicious.

I wish it were not so, but there is reason here. This amendment was not offered in a vacuum. It was offered because of a problem that arose. That is why it is here.

Senator EVANS. Would the Senator yield?

Senator DODD. I would be glad to, but just the allegation that was made I find offensive.

Senator KERRY. Mr. Chairman, I would like to assert something, too, and I have not heard anybody answer this. But the accusation has been flying around that somehow this is a mere effort to "stick it to the President" and I can understand the frustration on the other side. But if we were to sit here and go through a long process as we have been through and then permit the President simply to come back at any point in time and say "Sorry, folks, but really, something we never showed you is what this treaty means," you would totally have nullified the advice and consent process of the Senate; you would have absolutely nullified it. It is meaningless. That is not what the Constitution meant to do.

So, to assert that this is somehow something other than the assertion of a constitutional principle I think is absolutely missing the mark. This does not change the substance of this treaty one iota. It does not have to be renegotiated; it does not have to be ratified by both parties or any of this. It is simply an assertion of a constitutional principle, and I think the only way in which it becomes partisan is through the statements of the Senator from Washington which assert that it is, because it is clear that if we do not say this, we are acquiescing in a new statement of constitutional principle which says the entire process we go through here can be meaningless if the Executive wants it to be meaningless at any point in the future. That is clearly not what the law has ever been, what the treaty process has ever been, or what the Constitution intended.

Senator EVANS. And I would say to the Senator from Massachusetts, I do not think at all that that is what anyone is saying here, or that it has that effect.

Senator KERRY. But the logic of it is what says that. The logic of it does that. That is what has happened.

A treaty was ratified; Senators had an understanding. The Senator from New York, Senator Buckley, went to the floor and said the reason I am voting against this treaty is because X is not allowed. You are not allowed to go into the exotics. So, he chose to vote against it.

Along comes an administration a few years later and said Senator Buckley did not know what he was talking about. He did not cast his vote correctly. Exotics are allowed.

Now, if you do that to the U.S. Senate, you might as well not go through this process. And all we are doing is saying what we are doing when we cast our votes here is that this treaty means this and I am willing to vote for it because I understand it is going to have this effect on our country, on the Soviet Union, and on the world and on arms control. What we are saying when we cast our vote has to have some meaning, as Senator Sarbanes has said. If it does not have meaning, then what are we doing?

Senator EVANS. If the Senator would yield, even in this proposal, which I do not support, you talk about common understanding. The statement of one Senator on the floor of the Senate does not necessarily represent common understanding.

Senator KERRY. I agree with that.

Senator EVANS. Senators on the floor frequently say things that are not accurate.

Senator KERRY. I absolutely agree with that, if I may say. I agree with that.

But the common understanding is the amalgam of 100 Senators.

Senator EVANS. I understand that.

Senator KERRY. And when you take the voice as expressed by all of those Senators—and incidentally, it was a common voice, Senator Scoop Jackson similarly stated, other Senators, Senator Goldwater, the questions Senator Goldwater asked of Secretary Laird at the time, all set forth that understanding. And then it was changed.

Now, we do not want to go back in and debate that now because that is not the debate. The debate is the principle about what we are doing here, and I think that the Senator is absolutely mistaken. The majority leader, the distinguished chairman of this committee, the distinguished chairman of the Senate Armed Services Committee, Senator Nunn, all of these people have asserted that what is at stake here is a principle, a constitutional principle and a statement thereon, and it does not change the substance of this treaty one iota.

And to say that the assertion of a constitutional principle is a killer amendment is to somehow, I think, reach. In the good-faith effort of the Senator from California to arrive at accommodation here, it has been the administration that has come back and said, "No, we cannot accept that particular language." It has not been just the Senators on the other side. The administration has constantly inserted itself, and each time the language that they have come back with is in effect language which permits the continued argument of the Sofaer doctrine.

And I think that underscores the problem.

Senator LUGAR. Mr. Chairman.

The CHAIRMAN. Senator Lugar.

Senator LUGAR. Mr. Chairman, let me offer some comments because the need for the Senate to act without delay on an interpretation amendment has been justified in terms of Judge Sofaer's opinion that the testing of exotics was allowed. What really is the crisis over that assertion? The fact is that the Judge came to an

opinion after reviewing the ABM negotiating record. That did not mean that the country suddenly leapt to all sorts of testing of exotics in the SDI program. It was an opinion. The President might suggest this, and the Congress has to dispose of it.

The point I am trying to make is that checks and balances of our Government have been fully sufficient to take care of Judge Sofaer's interpretation.

The President of the United States cannot in our system act unilaterally in these respects, nor his deputies, nor have they historically. There are plenty of stoppers, aside from amending this particular treaty. And I wish that we could put into perspective at least how the Constitution works, how the checks and balances work. In my judgment they have worked well.

[Whereupon, at 4:58 p.m., the committee recessed, to reconvene immediately in a business meeting.]

[Whereupon, at 5 p.m., the committee resumed markup session.]

Senator EVANS. Mr. Chairman, there is one question that I forgot to ask when I had the floor last, and that was, of the sponsors of this amendment, what specifically they found insufficient in the amendment which had been signed off on by the bipartisan leadership just 24 hours ago. What was deficient about that?

Senator KERRY. The problem, among others—there were a number of different problems. I do not have the language in front of me here—part of the problem was the domestic and international distinction as it was drawn and the ability therefore to have it supersede domestic law, which in effect would permit an argument as to the doctrine, and the very problems that exist would be continued.

Second, there was——

Senator EVANS. Excuse me. I do not understand what you just said.

Senator KERRY. Well, if I had the language and the explanation.

The CHAIRMAN. I think the very fact it made reference to domestic and international law concerned us. There was a feeling that it was a rewrite, in the sense, of the Culvahouse letter.

Senator EVANS. Well, it makes reference, but it makes reference in two quite separate places and in two different circumstances. It does not seem to me that that by itself is a killer. I am just curious as to what makes this inadequate, something that could probably get the support of virtually everyone.

The CHAIRMAN. I think what happened was the text that was met with general approval there was studied further went back to the members of the committee, and it was found that it did not have a strong body of support.

Senator EVANS. I am just curious as to why. There must be some reason for that.

The CHAIRMAN. Well, I think basically for the two reasons that we cited, the references to domestic and international law and that we felt it was a rewrite of the Culvahouse letter.

Senator LUGAR. Mr. Chairman, is it not a fact that a partisan solution has been sought rather than a bipartisan one?

Senator SARBANES. No, that is not a fact.

Senator LUGAR. Well, that is the clear implication that I gather.

Senator SARBANES. That is unfortunate.

The CHAIRMAN. As the Senator knows, I was supportive of that draft, but there was no support on a wider basis.

Senator EVANS. Mr. Chairman, I am still not clear as to the question.

Senator KERRY. Item A, which says that as a matter of international law, the United States and the Soviet Union are bound by the obligations mutually assumed in the INF Treaty seems to be, on its face, a kind of harmless truism, but in effect it can be used to argue the primacy of international law as against domestic law. That in effect is to confuse the bodies of law, which is precisely part of the problem on which the Sofaer doctrine is based. That is part of the way in which he has argued, that one law supersedes the other, and that is part of what has presented us with the dilemma that we face and which we are seeking to redress.

So, in effect, the administration's signing off on it underscored the fact that our counsel looked at it and said here is what can happen. You now have the ability to make this kind of argument, and it was not really the kind of clear definition. And we felt it simply left it as obscured as it is today.

Second, item B——

Senator LUGAR. Would the Senator yield?

The point you just made about the administration signing off on the leadership language sounds like that was the kiss of death.

Senator KERRY. No, no, that was not the kiss of death. What happened is our counsel, independently, before the administration signed off on it, came to us and said here is the problem. This allows the continued argument of it. And frankly, some people were suspicious and felt that that reinforced it. Yes, that is accurate.

But the original interpretation of the problem was made prior to any signoff. People came and looked at it and said that is a problem.

Second, in items C and D, it was the feeling of counsel again—and counsel could go on about this for an hour, if you want, because he had a long discussion with us and is more versed than any of us—but he felt that both of those expressed the principles of option 1 in a way which also embraced the concepts of Judge Sofaer's doctrine.

Now, if it could be articulated in a way that shuts the door to that option being argued, I am sure Senator Cranston, Senator Sarbanes, and others might be more accepting of it. But the sense of those who read it, both counsel for the committee as well as the members of the committee, was that the language was such that it simply did not clarify what is sought to be clarified here. It left it open for future argument, and the whole purpose of this is not to have this treaty subject to that kind of confusion and subsequent argument.

Senator EVANS. It seems to me that there is nothing clearer than item A just says that as a matter of international law, only the mutual obligations assumed by the parties bind the United States. I cannot imagine any other kind of interpretation than a very straightforward one you could put to that sentence.

I do not think we would want to say anything more than the mutual obligations would bind us, or anything less than the mutual obligations would bind us.

I cannot understand how there could be any confusion.

Senator DODD. You know, the parties have been bound by a treaty. It speaks for itself.

Senator EVANS. Well, I think that is the argument about this one. The U.S. Constitution speaks for itself, too.

Senator DODD. You know, that we are stating how you follow it. If you want to know the problem with that one, that one is just—that is not the only item though, or the only problem. That is just stating what is self-evident.

Senator EVANS. Well, it was just pointed out that that is one of the problems, item A.

Senator KERRY. The Sofaer doctrine asserts that unless it can be demonstrated that the Senate, No. 1, clearly understood, No. 2, generally intended, or No. 3, relied upon a particular interpretation, unless it can be shown that we did that as to each particular area, it is then asserted that the interpretation in question is subject to reinterpretation, unless we did those three things, clearly understood, generally intended, or relied upon.

Now, in practice, those criteria are obviously extraordinarily hard to fulfill. And what happens? That leaves the Executive broad discretion and latitude, notwithstanding what the Senate was told, so that any formulation which you have—you have a formulation in this section, in C and D, which involves acknowledging that the Senate as a whole has to understand or intend a specific interpretation, represents, in fact, an adoption of the concepts of the Sofaer doctrine because it is saying that if we have not got a specific interpretation. Then it is subject to reinterpretation, and what we are trying to do is avoid the question of subsequent reinterpretation.

And that is precisely why it is a problem.

Senator HELMS. Mr. Chairman.

The CHAIRMAN. Senator Helms.

Senator HELMS. I went back to the room in the rear and tried to work on this thing to satisfy myself, and I think we can put this baby to bed, at least as far as this Senator is concerned—I do not presume to speak for any other Senator—if the sponsors of the treaty interpretation, Senator Cranston and others, will accept the modifications that I have proposed.

Now, I understand you have accepted the four-line one, Senator.

Senator CRANSTON. I believe that that one is acceptable, the one reading "Provided, further, that this understanding shall not be incorporated in the instruments of ratification of this treaty or otherwise conveyed to the other contracting party."

Senator HELMS. As a matter of fact, I would be willing to take that in the report language, but I see no reason to.

Senator CRANSTON. The report language can reference it.

Senator HELMS. Either one, but the other one, I do want to serve the purpose here of clarifying what is meant by the words "without the approval of the Senate."

Now, let me read it into the record. Before the period at the end of the pending amendment, insert the following: "In the event of a

subsequent submission for advice and consent or by congressional enactment in all other cases."

Now, the purpose is to spell out that only two forms of approval are intended, one, advice and consent to a subsequent treaty or treaty protocol, of course, or a statute enacted by Congress with the signature of the President or over his veto.

Now, if the sponsors will accept that one, and I would hope that we would just include the other one as well, then this baby is going to bed as far as I am concerned.

Senator CRANSTON. I think we are comfortable in principle. We are tinkering with the language to make it meld into this. If you would give us a few moments, I think we may be able to accept it with a slight change that does not change the meaning that you have just expressed.

The CHAIRMAN. The problem is we agree with the purpose but we are not quite sure the words set forth the purpose.

Senator HELMS. Well, you know, in Lewis Carroll's "Through the Looking Glass," you know what Humpty Dumpty said. When I use a word, it means precisely what I intended it to mean, nothing more, nothing less.

The CHAIRMAN. Just like the treaty.

[Laughter.]

Senator HELMS. But it spells out a clarification that I need, frankly, and I am trying to come forth with something bipartisan.

Senator DODD. Let me ask about just one concern that I would raise with my colleague.

Would it be possible? Let me just cite a hypothetical where a fact situation emerged which we did not anticipate where the administration, X administration down the road 14 years from now would say, "Well, this is a new fact, we have got to reinterpret this a bit differently." The Senate of that day would say "We fully agree with you, no problem."

Under those circumstances, could that be done or would you have to come, under your language, and submit it to the Senate for advice and consent? Would it be possible, in other words, to resolve a reinterpretation fact situation without going through this process, assuming most of those cases—let's assume they arise—could be resolved merely by the Senate agreeing at the time without having to go through the whole process?

Senator HELMS. Well, that depends on whether the President was a nervous Nelly or not. If he has got an agreement with the Congress, I do not see anything, why he should go through it. But it is just purely a perfunctory thing under that circumstance.

Senator DODD. There would be no necessity then. It does not mandate that you have to go this route.

Senator HELMS. That is right.

Senator KASSEBAUM. Mr. Chairman, I am just a little confused.

Before the period at the end of the pending amendment, where does that come in the pending amendment? Does it come after approval of the Senate?

Senator HELMS. Which one are you talking about, the three-line one or the four-line one?

Senator KASSEBAUM. The three-line one.

Senator HELMS. It comes without the approval of the Senate, in the event of a subsequent submission for advice and consent or by congressional enactment in all other cases.

Senator CRANSTON. Then, further, what exactly is meant by congressional enactment in all other cases? What would be an example of that?

Senator HELMS. Well, it means, of course, a treaty or a protocol would take a two-thirds vote because it is one house, unicameral. The other one would be by enactment of a statute, which would be two houses and by majority vote.

Senator SARBANES. May I ask a question on that point?

Senator HELMS. Certainly.

Senator SARBANES. When you use the words "congressional enactment," you are referring to a statute?

Senator HELMS. Exactly.

Senator SARBANES. Which would require, then, the President's signature.

Senator HELMS. Right.

Senator EVANS. Mr. Chairman.

Senator CRANSTON. I have an alternative that I believe serves the exact purpose that you seek, but I think does it in clearer language.

In the (c) that I offered you would strike "without the approval of the Senate" and insert the following, which would then make it read, reading from section (c) of the amendment that I offered or the proposal I offered, "The United States shall not agree to or adopt an interpretation different from that common understanding," then your edition revised, "except pursuant to Senate advice and consent to a subsequent treaty or protocol, or the enactment of a statute, requiring such different interpretation."

The CHAIRMAN. Would you repeat?

Senator CRANSTON. I think that does exactly what you said.

The CHAIRMAN. Would you repeat that?

Senator CRANSTON. Yes. Section (c) would then read: "The United States shall not agree to or adopt an interpretation different from that common understanding," now the Helms language revised, "except pursuant to Senate advice and consent to a subsequent treaty or protocol, or the enactment of a statute, requiring such different interpretation."

You could leave off, as Senator Sarbanes suggests, the final words "requiring such different interpretation."

Senator HELMS. Just say "by enactment of a statute."

Senator CRANSTON. Yes. So, it would read "except pursuant to Senate advice and consent to a subsequent treaty or protocol, or the enactment of a statute."

Senator HELMS. Could I see that, please?

Senator CRANSTON. Yes. We will write it down and give it to you.

Senator DODD. He is striking out, Jesse, "without the approval of the Senate."

So, if your interpretation differs from that common understanding, then the language kicks in.

Senator MURKOWSKI. Madam Reporter, I would like to be reported as joining my colleagues in objection to the previous Cranston interpretation.

Senator LUGAR. Mr. Chairman.

The CHAIRMAN. Senator Lugar.

Senator LUGAR. Mr. Chairman, let me just ask the indulgence of the Chair for a moment.

I frankly do not grasp at all what this is all about.

Now, I am certain that something important is occurring here. [Laughter.]

But we have been dealing all afternoon with the Constitution and with constitutional principles. To adopt this clause at this point without having some idea of its impact on the amendment or the Constitution is unwise. I would hope that we might at least have an hour or 2 to explore it with learned counsel who can speak to the import of the language. I certainly do not have any idea about the impact of this clause, and I do not think we are prepared to vote on this kind of a change.

The CHAIRMAN. I think we have got pretty good counsels here, and——

Senator LUGAR. Well, I am not hearing anything from any of them. In other words, I would like to hear from the gentleman at the witness table. He has offered good counsel to me before, but I would also like to consult some of our own folks.

The CHAIRMAN. Would you like to have the witnesses comment?

Senator LUGAR. Yes, that would be helpful.

Mr. MATHESON. Mr. Chairman, I am not in a position to give an authoritative response on behalf of the executive branch. We can seek that if you like.

Speaking purely personally, I think these are useful changes, but the fact is we still have the same proposition, a treaty condition aimed at trying to state constitutional norms for all treaties. And so it strikes me—again, this is my personal reaction—that, even with these changes, the condition has essentially the same effect. But we can get an authoritative administration position if you would desire that.

Thank you.

Senator LUGAR. Well, that would be helpful.

[The information referred to follows:]

The administration confirmed its opposition to the Biden condition, even with the amendments proposed by Senator Helms. An authoritative statement of the administration's views on the Biden condition, as finally adopted, appeared in the President's message to the Senate on June 8, 1988, following the exchange of instruments of ratification with the Soviet Union.

Senator HELMS. Now, let me ask the Senator from California this. I will accept report language, but I would much prefer for it to be part of an amendment, the four liner.

Now, you understand the implications of that as far as my intent is concerned, that the Soviet Union cannot come back and say, "Well, you are bound by international law."

Senator CRANSTON. Yes.

Senator HELMS. OK, just so we have that understanding.

Senator DODD. So, what do you want to do? Do you want to put that in as an amendment or committee language?

Senator HELMS. I would rather have them tied together.

Senator CRANSTON. Put it in where?

Senator HELMS. Put in the three liner first and the four liner second.

Senator DODD. As a separate sentence? I do not think it is drafted as a separate sentence, Jesse.

Senator HELMS. The staff can work that out.

Senator KERRY. The four liner would be second?

Senator HELMS. Yes, sir.

Senator CRANSTON. Mr. Chairman, let's vote on the proposal as amended by Senator Helms.

The CHAIRMAN. It has been moved.

Senator DODD. Do you accept Jesse's amendment?

Senator CRANSTON. Yes.

The CHAIRMAN. It has been moved that we vote on the language of the amendment submitted by Senator Helms, by Senator Cranston; that is, amending Senator Helms' amendment.

Senator CRANSTON. No, Senator Cranston's amendment as amended by Senator Helms.

Senator LUGAR. Mr. Chairman.

The CHAIRMAN. Senator Lugar.

Senator LUGAR. Mr. Chairman, I deeply respect the parliamentary skills of my colleague from North Carolina, and I am delighted in a sense that he is so cooperative with the others on that side of the aisle. But before we move so rapidly to a vote, I would just indicate to those who are still advocates of this treaty that we are moving into uncharted waters with this amendment.

Mr. Chairman, I appreciate your desire to expedite this markup process, but we are going to have another meeting tomorrow morning, another meeting tomorrow afternoon. Pushing ahead with this language at this point, it seems to me, is not well advised, and I would hope that we would take time to secure an authoritative opinion from the administration on this situation as well as from other legal scholars in the country. It appears to me that would be prudent.

The CHAIRMAN. It would seem to me that we can always move to reconsider, but I do want to see us move ahead. We still have other work to do, going over Senator Nunn's points that he has raised, and I would really like to vote if I have general support for voting now, with obviously the right to reconsider that any Senator has.

Senator EVANS. Mr. Chairman.

The CHAIRMAN. Senator Evans.

Senator EVANS. It appears as though we are rushing to a vote. I just think it has to be said very bluntly. Anything can be done in this committee by a majority vote. This treaty cannot be passed except with a two-thirds vote, and I think that the Senator from Indiana has posed some very important warnings which I can only add to, and I think that we are headed for a time when this treaty might have a whole lot more difficulty in passage on the floor. If that is what the intent of the Members who are supporting this amendment want, they may proceed in that direction. But it takes more than a majority to pass this treaty.

The CHAIRMAN. Maybe this modification or amendment of the Senator from North Carolina might remove some of the difficulties.

So, we will go ahead and vote on the amendment of the Senator from California, that is, Senator Helms' amendment to the Senator from California's amendment.

Senator SARBANES. Mr. Chairman, as I understand it, the Senator from California has modified his amendment on the basis of language offered by Senator Helms, which was then adjusted, and that what is now before us on this vote is the Cranston amendment as so modified.

The CHAIRMAN. It is one vote, in other words. So, what is before us then is the Cranston amendment as modified.

The clerk will call the roll.

Ms. ALLEM. Mr. Biden.

The CHAIRMAN. Aye by proxy.

Ms. ALLEM. Mr. Sarbanes.

Senator SARBANES. Aye.

Ms. ALLEM. Mr. Cranston.

Senator CRANSTON. Aye.

Ms. ALLEM. Mr. Dodd.

Senator DODD. Aye.

Ms. ALLEM. Mr. Kerry.

Senator KERRY. Aye.

Ms. ALLEM. Mr. Simon.

The CHAIRMAN. Aye by proxy.

Ms. ALLEM. Mr. Sanford.

The CHAIRMAN. Aye by proxy.

Ms. ALLEM. Mr. Adams.

The CHAIRMAN. Aye by proxy.

Ms. ALLEM. Mr. Moynihan.

The CHAIRMAN. Aye by proxy.

Ms. ALLEM. Mr. Helms.

Senator HELMS. Aye.

Ms. ALLEM. Mr. Lugar.

Senator LUGAR. No.

Ms. ALLEM. Mrs. Kassebaum.

Senator KASSEBAUM. No.

Ms. ALLEM. Mr. Boschwitz.

Senator HELMS. Mr. Boschwitz votes no by proxy.

Ms. ALLEM. Mr. Pressler.

[No response.]

Ms. ALLEM. Mr. Murkowski.

Senator HELMS. Aye by proxy.

Ms. ALLEM. Mr. Trible.

Senator HELMS. No by proxy.

Ms. ALLEM. Mr. Evans.

Senator EVANS. No.

Ms. ALLEM. Mr. McConnell.

Senator HELMS. No by proxy.

Ms. ALLEM. Mr. Chairman.

The CHAIRMAN. Aye.

Senator HELMS. Did I give you Mr. Boschwitz?

Ms. ALLEM. Yes, sir, you did.

The CHAIRMAN. On this vote, there are 12 ayes, 6 nays. The amendment is agreed to.

I would ask that the vote be kept open for those who have not voted, provided it does not change the results.

Now, if we could, we ought to move on to the consideration of the points raised by Senator Nunn.

As I said earlier, the committee resumed its consideration of the INF Treaty for the purpose of, one, resolving the question of treaty interpretation and, two, for the purpose of addressing the issues raised by Senator Nunn in his treaty yesterday.

During their presentation yesterday, Senators Nunn and Warner defined five issues of concern to the Armed Services Committee regarding the INF Treaty.

Senator HELMS. Mr. Chairman, I am so apologetic.

Could the record be corrected while the aide to Senator McConnell checks. He may wish to vote for the Cranston amendment as modified.

Could it be left open for him?

The CHAIRMAN. Without objection.

Senator SARBANES. Do you want to withdraw his vote for the moment?

Senator HELMS. Yes.

Staff will let us know, please.

The CHAIRMAN. Thank you.

Assuming that the administration's representations as to the meaning of the INF Treaty are binding, I believe none of these issues will require conditions on the resolution of ratification. I repeat, none of the five issues will require conditions on the resolution of ratification.

The first issue relates to the effect of article XIV on U.S.-NATO weapons cooperation. The administration's testimony on this question has been very persuasive, based on Ambassador Glitman's account of the negotiations and statements by Secretary Shultz. Assuming the representations of the administration can be considered binding, I believe no compelling case can be made for the committee to take action on article XIV.

The second issue raised by Senator Nunn relates to the question of conventionally armed ground-launched Cruise missiles. As far as I am concerned, the Foreign Relations Committee fully addressed this issue on the first day of the markup when we rejected by a vote of 15 to 3 an amendment proposed by Senator Helms to exempt these conventional Cruise missiles from the INF Treaty.

The third issue relates to the meaning of article VI, the so-called double-negative issue. Some Senators have argued that the construction of the text of article VI has the perverse effect of permitting the Soviet Union to produce a stage of the SS–25 that is interchangeable with a stage of the SS–20. Clearly, the treaty is designed to prevent such an outcome. The administration has provided the committee with assurances that a meeting of the minds has been reached between the United States and the Soviet Union on this subject. In my view, this issue can be satisfactorily covered in the committee's report without the need for a condition on the resolution of ratification.

The fourth issue of the five relates to the definition of an INF missile. The administration has confirmed during its testimony to the committee that under the INF Treaty, the Soviet Union could

develop a new missile, test it once at a range above 5,500 kilometers, and then conduct all subsequent tests at INF range; that is, under 5,500. The administration has provided further clarification of this issue. In my view, this subject can be addressed in the committee's report without the need for a condition on the resolution of ratification.

The fifth issue is certainly the most troubling one. The question has arisen as to whether the INF Treaty will apply to missiles equipped with weapons using some futuristic technology. The administration has provided further clarification on this issue in our closed session. Again, I believe this issue can be covered in the committee's report without the need for a condition on the resolution of ratification.

As I indicated at the outset—this is very important—all of these conclusions depend on the assumption that the administration's representations on these issues are binding.

Now, what is the pleasure of my colleagues in connection with the measure before us. We have handled all of the amendments that have been offered. We have covered, I believe, the five points raised by Senator Nunn, and it would seem to me we are just about ready for final passage.

What is the wish of my colleagues?

[Pause.]

The CHAIRMAN. In view of the fact that a quorum is lacking, the committee will recess until 10 o'clock tomorrow morning when hopefully we will be able to report out the treaty.

[Whereupon, at 5:30 p.m., the committee recessed, to reconvene at 10:33, March 30, 1988.]

THE INF TREATY—MARKUP

WEDNESDAY, MARCH 30, 1988

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met at 10:33 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Claiborne Pell (chairman of the committee) presiding.

Present: Senators Pell, Sarbanes, Cranston, Dodd, Kerry, Sanford, Adams, Moynihan, Helms, Kassebaum, Boschwitz, Pressler, Murkowski, Trible, and McConnell.

Also present: Ambassador Maynard W. Glitman, Chief INF Negotiator and Head, INF Delegation.

The CHAIRMAN. The Committee on Foreign Relations will come to order.

The committee has pretty well plowed through the various amendments and proposals that have been offered. What remains for us is the biggest step of all; that is, the reporting out of the resolution of ratification.

My hope is that this could be done this morning. As you know, we have all agreed that at 3 o'clock this afternoon, we would start voting, no matter what. But if we can get it out this morning, I think it would be more convenient for all of us.

At this point, I would recognize the ranking minority member.

Senator HELMS. Mr. Chairman, thank you very much.

On the five issues raised by the Armed Services Committee, which were discussed yesterday at some length here, I wonder if we have received a written response from the administration with regard to the administration's authoritative understanding on these issues. Does the chairman know?

The CHAIRMAN. We have not yet received written communication from the Department on that, from the administration. But maybe Mr. Glitman, who represents the Department, could answer this.

Senator HELMS. Well, obviously I knew the answer to the question before I asked it, and I have discussed it with the Ambassador this morning. What I am saying here is largely for the record.

I will have some questions for the Ambassador at the conclusion of this statement.

I was very interested to read in one of the papers this morning that we had received assurances that "futuristic" technologies would be banned by the treaty and that such assurances thereby "resolved" the issues raised by the Armed Services Committee. I am not so sure the latter part is correct. We will see.

In any case, Mr. Chairman, it would be my recommendation that we have an authoritative comment on the public record by the administration on these five issues, and this I have discussed with the Ambassador, and especially, especially on the issue of futuristics, because the issues are very serious. We certainly know or should know from the ABM Treaty how unforeseen technology can complicate matters in the years after a treaty has been approved.

Now, I believe there is merit in our committee awaiting the administration's clarification on several important issues which Senators Nunn, Warner, Quayle, Wallop, and others have raised. But that would be up to the committee and up to the chairman.

But I will say that I don't believe that proponents of the treaty will lose anything by awaiting this clarification. I don't believe it causes any undue delay in the Senate's ultimate consideration, assuming, as I do, that the administration will be forthcoming in the clarification.

Now, let me have this made clear. I don't want to delay the committee's deliberations. I am going back and forth to one of my other major committees, like a pendulum. But it appears clear that, no matter how long this committee considers it, the results of the committee will be about the same. I can count, and count to two, and I have no desire to delay the consideration of this treaty.

I am concerned that the Committee on Foreign Relations make sure that it is the proper forum for resolving matters of treaty interpretation, and the question facing the Foreign Relations Committee is, of course, do these issues get resolved by the Committee on Foreign Relations.

This is the committee of sole jurisdiction over treaties, and I am concerned that if we report the treaty before necessary clarifications are achieved, this committee's role in the consideration of this treaty, and, by precedent, future treaties, could be diminished.

I don't want that and I don't think any member of this committee wants that.

But this particular matter, this particular treaty, and this particular day will be the judgment of the committee.

It is obvious that I do not share the enthusiasm for this treaty that some of my other colleagues have expressed, but I do have a great enthusiasm for the historic role of the Senate Committee on Foreign Relations. It is a high standard which I hope we will uphold, and I want to have a thorough and thoughtful consideration of the treaty.

Now, Mr. Glitman, we are going over the same ground that we discussed earlier before we convened. Are futuristic weapons prohibited or permitted by the terms of this treaty?

Ambassador GLITMAN. The terms of the treaty will prohibit any weapon-delivery Cruise or ballistic missile, ground-launched, with ranges between 500 and 5,500 kilometers.

Senator HELMS. OK.

Since you say they will be prohibited, I am interested in what language in the treaty text itself you used to reach this interpretation, sir.

Ambassador GLITMAN. Beginning with the title itself of the treaty, which is, "On the Elimination of Intermediate-Range and Shorter-Range Missiles;" second, the prohibitions in the treaty in

article VI, paragraph (i), which deal with the basic prohibition on producing or possessing missiles, longer range or shorter range in the future, as well as eliminating those that exist in the present. The treaty does the elimination in another article, to be precise; but this article says that "Upon entry into force of this treaty and thereafter"——

The CHAIRMAN. Excuse me, but would you pull the microphone a little bit closer.

Senator HELMS. And if you would, raise it just an inch or 2.

Ambassador GLITMAN. Certainly—"Upon entry into force of this treaty and thereafter neither party shall produce or flight test any intermediate-range missile or produce any stage of such missile or any launchers of such missiles, or" and then it makes the same point for shorter range missiles.

So, that is the fundamental prohibition in the treaty, and with that, with the definitions that are in article II, which define what is a ballistic missile, what is a Cruise missile, ground-launched, for the purposes of this treaty, it makes it clear that they have to meet the four criteria. If a system meets the four criteria—and those are ground-launched; ballistic or Cruise; weapons delivery; and falls within the range ban—then that system will be banned by the treaty.

Senator HELMS. Now, you are confident and you assure this committee that the definition was negotiated with the Soviets, the definition of future-type weapons systems? Now, you addressed that in the negotiations? You are confident about that?

Ambassador GLITMAN. Well, during the negotiations, the United States and the Soviet Union did not specifically discuss INF missile systems using techniques, such as lasers, to destroy targets, nor did the parties specifically address the meaning of the term "weapon-delivery." Instead, the parties recognized that it would be unnecessary to define in the treaty terms which had commonly understood meanings or where the commonsense meaning of the term was intended by the treaty.

Senator HELMS. Now, excuse me. You say that the parties understood and the parties agreed, or whatever your language was there.

Would you read that again?

Ambassador GLITMAN. Certainly. "The parties recognized that it would be unnecessary to define in the treaty terms which had commonly understood meanings or where the commonsense meaning of the term was intended by the treaty." The term "weapon-delivery" was one of those terms. There was a commonsense meaning to the word "weapon," and it was apparent to both sides that we would not have to define every word that was in the treaty. There was no argument about what a "weapon" was.

It is equally clear from the discussion during the negotiations that the Soviets sought to capture all missiles falling within this range ban that were ground-launched. That we can establish, and you have copies of it, of the negotiating record and history, and you can see that that is the case.

Senator HELMS. Now, you understand that I am not concerned about the United States abiding by this treaty or any other, but I am concerned about the Soviets. I hate to appear to be asking the

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same question over and over again, but I want to be sure that the record is clear.

Without any peradventure, the Soviets clearly understood what is banned by the treaty with regard to future-type weapon systems?

Ambassador GLITMAN. I believe that's correct.

Senator HELMS. You believe that's correct?

Ambassador GLITMAN. Yes.

They understood that all future systems falling within the criteria would be banned.

Senator HELMS. Now, you may not be able to do this, and we sort of covered this before the chairman called the meeting to order.

You don't have with you the identification numbers of the documents in the negotiating record, do you?

Ambassador GLITMAN. No, I do not.

Senator HELMS. Will you provide it to the committee today?

Ambassador GLITMAN. Yes.

Senator HELMS. Mr. Chairman, I would want you staff, the majority staff and the minority staff to look at this very carefully.

Sir, I don't doubt one word that you are saying. But I think we have the obligation to be equally confident, as you are.

Now, we know that the agreement between the Senate and the administration excluded negotiating instructions, right?

Ambassador GLITMAN. Right.

Senator HELMS. But this case, it seems to me, Mr. Ambassador, is so important to our future—and there are Senators on the Armed Services Committee who feel the same way—so important to our own future, maybe survivability, that I do hope you will provide the negotiating instructions on the definition of "futuristic"-type weaponry, so that we can understand what the position of the administration was and is on this issue.

Will you do that?

Ambassador GLITMAN. I don't believe we can do that, Senator.

Senator HELMS. Why?

Ambassador GLITMAN. Well you got the letter from the Secretary of State on that point, and the answer was that those instructions are privileged executive branch material.

In any case, as I have pointed out to you, the question of futuristic systems per se was not discussed. Our instructions were very clear. I can say that in open session.

We were given four criteria that had to be met for a system to be covered, and that we achieved in the treaty. There are some exceptions to that which the United States asked for and received: Research and development boosters and ABM and ASAT interceptors. That is in the treaty, and those are systems which might otherwise be captured, present or future, if not for these exceptions.

But every other system which falls within the range category and meets the other criteria—and in this case we are talking about weapons delivery—if it is weapons delivery, it will be captured.

This is a treaty in perpetuity. It had to be thinking about the future. If you write a treaty forever, you have to take into account what is going to happen in the future.

What this clearly shows it that we intend to capture any future weapon-delivery system that is ground-launched, ballistic, or Cruise, and falls within the range bands covered by the treaty.

Senator HELMS. I'm not sure I can even ask you this question because we did discuss it back there [indicating] in closed session. But let me give you a for example.

Suppose—and this is hypothetical—suppose an unarmed missile were to strike a radar system. Would that be banned?

Ambassador GLITMAN. If that missile were designed to achieve that purpose, it would be effectively a kinetic energy-type weapon, not unlike a bullet, and if its purpose and its design, its intent was to strike, and indeed showed that it could strike and destroy a radar by impact, it would be a weapon.

Senator HELMS. All right. Let me go back to the negotiating instructions.

Am I to understand that the administration, the State Department, would be unwilling to share these with this committee in a code word level session?

Ambassador GLITMAN. That is my understanding of the position.

Senator HELMS. Why?

Ambassador GLITMAN. Again, because I believe it was considered Executive privileged information.

Senator HELMS. Well, as I prefaced the question, we are talking about something perilously important for the future. Coupled with the fact that I have my doubts that the Soviets would restrain themselves in the development of such futuristic-type weaponry—well, you get the point.

In the administration's article-by-article analysis, the term "weapons delivery" is defined in article II as, and I quote:

> Those types of ground-launched Cruise missiles that have been flight tested or deployed for weaponry delivery; thatis, flight tested or deployed with any type of warhead device or simulation thereof.

Now, as I indicated earlier, my reading of this makes it difficult for me, just as one Senator, to see how futuristic or exotic technologies would be banned by this treaty. The frightful thought occurs to me that that is exactly the position that the Soviet Union is going to take at the time they go pellmell developing weaponry that we will not be developing because we abide by treaties and they don't.

That is my fear on this thing.

Can you assure us that this definition that I just quoted pertains only to presently known technology, such as TNT or a nuclear device?

Ambassador GLITMAN. No.

The purpose for that language that you just read in the article-by-article analysis was not to leave open a possibility for other types of weapons, but to close off a concern that was felt that, if we did not mention these simulations, these warhead simulation devices, the Soviets might be able to test missiles with warhead simulators on and then claim that these were not really warheads or weapon devices, but just simply simulations thereof, and that is why this was added.

So, it was not written this way to exclude nonexplosive warheads, but, really, to include the simulation devices.

Senator HELMS. I have a couple of more questions, and I think they are obvious.

What is the commonly understood meaning of "weapons delivery"?

I am just asking this for the record.

Ambassador GLITMAN. Yes, and I will be happy to read in an answer.

Senator HELMS. OK.

Ambassador GLITMAN. The United States believes that the commonsense meaning of the term "weapon-delivery vehicle" in the context of this treaty is any INF missile which carries a weapon; that is, any mechanism or device which, when directed against a target, is designed to damage or destroy it.

Senator HELMS. Well, if this is commonly understood, why do you think that the Armed Services Committee was confused enough about this definition to flag it as a problem?

Ambassador GLITMAN. Well, you'd have to—I won't put it that way.

The committee's concern was to get clarification. They had raised with us in closed session a number of futuristic systems. I gave them a definition very close to what I read to you here. They asked for more clarification on a more definitive level, and they will receive it. I have given you now, as well as yesterday, that more definitive position, and you will have it in writing as well, as will that committee.

Senator HELMS. All right, Mr. Chairman. I think that is about all I need to ask at this moment.

Thank you very much, sir.

The CHAIRMAN. Thank you very much, Senator Helms.

Are there any other Senators wishing to make a statement or comment at this time?

Senator Trible.

Senator TRIBLE. Mr. Chairman, I would like to speak briefly in favor of the treaty before we move ahead.

More than 2 months ago, Mr. Chairman, this committee began a thorough review of a historic accord, the INF Treaty.

At the outset, the Secretary of State predicted that history would come to judge the INF experience as NATO's finest hour. I believe our deliberations have proved him right. For the alliance and for the United States, the INF Treaty is a stunning success.

It is fair, it is enforceable, it is a first step toward the more difficult goal of strategic arms reduction, and it ought to be approved by the Senate.

Moreover, it holds a wealth of lessons for the conduct of foreign affairs and the cause of arms control. Two, in particular, are worthy of note.

First, the strength of NATO is not solely a product of the number of weapons we possess. To be sure, America must continue to commit arms and armies to NATO's defense, and we will. But our commitment to NATO is an unshakeable belief that the freedom of Europe and America are indivisible.

The INF process has wed us more strongly. Together, the alliance negotiated this agreement with the Soviets, and together we will take the unprecedented step of eliminating INF missiles.

Second, and very importantly, we have learned that the path to real arms reduction lies in negotiating from strength. This treaty

was won because NATO deployed. Had it not, the Soviet INF monopoly would remain, and the alliance would be more at risk than ever.

That lesson is worth remembering as we consider conventional force improvements for NATO, as we examine our strategic arsenal, and as we fashion a defense budget in the coming year.

I also note with some concern that legislative decree has taken hold in this INF debate.

Yesterday, the committee adopted Senator Cranston's condition on treaty interpretation. It sought to tell the President, in effect, either abide by a legislative decision on how to interpret treaties or your INF agreement will not pass.

That is a regrettable message, and I hope we can remedy that error when the full Senate takes up this treaty.

As Ambassador Glitman has noted time and time again, the INF Treaty stands on its own merits. With this agreement, the President, the Secretary of State, their negotiators, and the American people have won a great victory.

By its vote today, this committee can help to make this a lasting victory.

I urge that we approve this accord by a decisive margin, and I thank you, Mr. Chairman, for the way that you have conducted these deliberations. You have given each member more than ample opportunity to make his case and ask the appropriate questions. I am pleased that we are now at the point where we can act and act decisively.

Senator BOSCHWITZ. Mr. Chairman.

The CHAIRMAN. Thank you, Senator Trible.

Senator Boschwitz.

Senator BOSCHWITZ. Mr. Chairman, I was not here yesterday. I had a number of conflicts with committees. As a matter of fact, I am now supposed to be marking up the budget a couple of floors up from here. So, I was not here when the condition or amendment that was offered by Senator Cranston and others I understand was added to the treaty yesterday.

I believe that my proxy was voted against it by Senator Lugar, and I wanted to say, Mr. Chairman, that I consider that amendment to be mischievous and perhaps unconstitutional, as well, certainly unnecessary in that we have bound ourselves unnecessarily in a way that the other signatory to this agreement has not bound itself; that we have bound ourselves by testimony, from what I gather, that did not occur before this committee but occurred before other committees. There are now not only the treaty but 30 volumes of the negotiating record plus untold numbers of volumes and pages of testimony before various committees.

We have already heard questions of interpretation of provisions, particularly with respect to GLCM's, that does not seem to be entirely clear, and perhaps will have to be developed over the years. I don't know how this condition is going to bear on all of that.

I believe that it is mischievous and unnecessary and, very frankly, may change my position with respect to the treaty.

On many occasions around here, not only in this committee but in the Senate as a whole, I have been struck by the feeling that we

really don't know the consequences of our own acts, and I think that this is such an occasion.

Again, Mr. Chairman, I say that this may change my attitude and it may change the attitudes of others, I understand, as well, about the treaty. It is another instance where our friends and allies, as well as our foes, will wonder how steady and reliable we are.

I think that we, as a nation, have managed quite well for over 200 years with respect to many hundreds and hundreds of treaties without such restraints, conditions, or amendments, and I think that we are making a great mistake and that it weakens the value of the treaty very substantially.

I know that other Senators who have talked to me, wonder how to proceed or whether or not there isn't a great issue that now faces us, which goes beyond this treaty itself and reflects on every other treaty that we have in force and effect, as well as treaties in the future.

So, I would hope, as does the Senator from Virginia, that on the floor of the Senate we would be able to remove this provision. I think it has no place in the treaty, and I think it serves no useful purpose.

I will oppose it. Again, it may well change my opinion and the opinion of others about the value of this treaty as it reflects on the many others that we have in force.

I thank you.

The CHAIRMAN. Thank you, Senator Boschwitz.

Senator Pressler.

Senator PRESSLER. Mr. Chairman, yesterday I spoke against this amendment. I was not present when the vote was taken. I thought my proxy would be voted against it. I guess there was some misunderstanding.

I would like to ask unanimous consent that I be recorded as against that amendment.

The CHAIRMAN. Excuse me.

Is there objection?

[No response.]

The CHAIRMAN. Without objection, it will be done.

Senator PRESSLER. The reason that it troubles me is that this amendment is really aimed at the ABM Treaty. I know there is report language that says it is not aimed at the ABM, but that language is not a part of the actual amendment.

It is somewhat ironic that this amendment is really aimed at the strategic defense initiative, it is aimed at the ABM Treaty, and it is aimed at the START Treaty. It really has very little to do with the INF Treaty. It is part of a broader struggle that is going on here in the Senate.

But I will certainly oppose the treaty if this amendment is attached.

I also find it passing strange that my modest language on the Helsinki accords, not even an amendment to the treaty, but just language that would have been attached to the resolution that would apply to us, and would not have required renegotiation with the Russians, was cited as a "killer" effort.

Now there is this amendment that has to do with the basic interpretation of the ABM Treaty and the strategic defense initiative and the potential START Treaty, that has nothing to do with the INF Treaty, and we are told that this is not a "killer" amendment.

So, this is a very strange twist in the debate.

I am opposed to this amendment. I think it is mischievous and partisan. I also believe that the whole proposal defies the ideal of a bipartisan foreign policy. It could lead to some very negative consequences and it will lead to the defeat of this treaty entirely because the votes just are not there.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Pressler.

I would add that my own personal view is that the importance of this amendment has been exaggerated on both sides, and more is being read into it than need be. That is my own view. Maybe that is because I am not a lawyer.

Senator BOSCHWITZ. I would say to the chairman that if that is the case and it is not a very important amendment, he certainly will not oppose its removal.

[Laughter.]

The CHAIRMAN. I still come out in favor of the amendment.

Senator Dodd.

Senator DODD. Just very briefly, I wanted to commend you, Mr. Chairman, you have done an excellent job in these hearings. They have been lengthy and the markup has gone, I think, expeditiously. You have done it, as Senator Trible has said, with fairness and equity to people on both sides of these issues.

I also think it is appropriate for this committee to recognize what a tremendous job Ambassador Glitman has done.

The CHAIRMAN. Yes, right.

Senator DODD. There are three committees—Intelligence, Armed Services, and Foreign Relations—and it is the first arms control agreement that is going to be approved I think in a number of years. It is an awesome task to have to address every question that so many Senators raise.

You and your staff sitting behind you and others have really performed a herculean task. You deserve a great deal of credit for having done a fabulous job. Regardless I think of how people vote on this agreement, everyone is of one mind when it comes to the performance that you have given before this committee and I know before others.

The CHAIRMAN. I would like to tremendously underline that point. I have seen Ambassador Glitman in activity and operation in Geneva and here, and particularly he has done a fine job here, particularly.

I would also like to thank my colleagues for their comity in getting us to this moment of decision, and say that this is not a treaty of vast military moment. It is only a small percentage of the nuclear warheads around the world. But it does mean that the elevator of nuclear escalation, which has been going on for the past 30 or 40 years, has finally stopped and we hope will descend.

It is a change in direction, and that is what I think is so important about this treaty, that we hope it can presage good things for the future.

I don't think we should be diverted by relatively minor problems as we try to reverse the course of nuclear weaponry.

Senator Boschwitz wanted to be recognized.

Senator BOSCHWITZ. Did Ambassador Glitman comment on this provision yesterday? If he did, I would not ask him to repeat it.

But if he did not, perhaps he can.

The CHAIRMAN. He did, vigorously, against it.

Senator BOSCHWITZ. As you have pointed out, he is a sensible fellow. [Laughter.]

He probably spent more time with us than he did with the Russians, with all these committees.

Senator SARBANES. Actually, Ambassador Glitman referred the question to a representative of the State Department's Office of Legal Counsel, who then discussed the provision at some length. That is what transpired yesterday.

So, it was, I believe, the Deputy Legal Counsel or a representative from the Office of Legal Counsel in the State Department, who discussed the condition at some length with the committee. Ambassador Glitman referred the question to him.

The CHAIRMAN. The Senator is absolutely correct. My memory is refreshed. I just remembered the vigorous opposition from behind the green table over there [indicating].

Senator SARBANES. Mr. Chairman.

The CHAIRMAN. Senator Sarbanes.

Senator SARBANES. Mr. Chairman, I want to join Senator Dodd in expressing our appreciation to you for the very fair way in which this markup has been conducted, and also to the strong interest and conscientiousness of the members of the committee.

We have held, I believe some 35 hearings. We have probed into this matter very carefully. We had another instance of that this morning in the questioning of Senator Helms and the responses by Ambassador Glitman, which I think were an important contribution to developing a full record by this committee.

Over the course of the hearings, there have been many similar exchanges, which have built a good record for consideration of this treaty when we carry it to the floor.

I think this treaty does represent a significant achievement. While there may be a tendency on the part of some to attach greater importance to it than perhaps it deserves on its own terms, it does represent a very important step forward. It is not only a major contribution toward our alliance with NATO, butit also, I would also point out, has very important implications and consequences for our alliances elsewhere in the world. The achievement of a global zero within the treaty, which represented a significant step forward in the negotiating process, had important implications for our relationships with our Asian allies.

I think that has tended to be overlooked in the course of our consideration. I simply want to emphasize and underscore it here today as we approach a final vote on this treaty.

Mr. Chairman, I join with my colleagues in commending you for your leadership in this matter.

The CHAIRMAN. Thank you very much.

Senator Kerry.

Senator KERRY. Mr. Chairman, I would like to also join with my colleagues both in thanking you for providing what I think is probably one of the best and most exhaustive and precise records that this committee has built with respect to a treaty. I think you have done so in a very interesting and important way, by bringing in the other committees, building on their expertise, and providing us with an overall record that I think will and that has the potential to withstand tests in the future which undoubtedly will occur.

Before I make one other comment, I would like also to thank Senator Cranston, who, I think, since day one, together with Senator Biden, set out a clear set of priorities with respect to this treaty and has worked diligently to guarantee that we have arrived at this moment here. No one worked harder with the White House. No one reached out more to try to reach an accommodation on the amendment that has been discussed here earlier. I think he really deserves a lot of credit for that effort.

Joe Biden, in absentia, deserves credit for that, also.

By way of comment on the treaty and this moment, this can be a most important treaty. As we vote it out and as the Senate hopefully will ratify it, it has the potential to be viewed as an extraordinarily significant treaty. It lays a foundation. It reinforces our relationship with NATO. It strengthens an alliance. It has made a statement around the world about nuclear weapons and the direction in which we want to move.

But I think we have to caution ourselves against the hyperbole with which it is received and recognize that it could also be a small footnote in history if we don't get a START agreement; if we don't build on the intrusive verification measures that have been created here; if we don't take the lesson of asymmetrical reductions and build on it, and if we can't get an accord as to strategic arms reductions and as to conventional weapon reductions.

So, I think we have to understand: It is momentous; it is historic; it opens a window of opportunity. But the key question is where we go from here over these next months.

I hope that, as the Senate does ratify it, this treaty will be the building block that it can be and recognized for the historic breakthroughs that it presents us in terms of opportunity.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Cranston.

Senator CRANSTON. I would yield to the Senator from Maryland.

Senator SARBANES. Mr. Chairman, for the sake of accuracy, I am informed that the committee had 21 days of hearings in the course of which we held 29 hearings.

Senator CRANSTON. Mr. Chairman, I will be very brief. I think we are about ready to vote.

I want first to thank John Kerry for his very kind comments.

I also want to express my agreement with him that, in effect, this is a small step away from the nuclear brink. I hope very much that we will be able to proceed with a START agreement and that the Reagan administration will carry that as far as possible while it is still in office.

I want to thank you, Mr. Chairman, for your very fair and effective work in leading us through this process. I think this has been

one of the finest hours of this committee. Every member has contributed in one way or another on both sides of the aisle to the process, has helped clarify the issues, has helped establish where we should be headed in regard to this treaty.

I also join in thanking Ambassador Glitman and all the other representatives from the administration who have been very, very fine and who have performed superbly in explaining the meaning of the treaty and in dealing with all the many questions that we and others have put to them.

The CHAIRMAN. I thank you very much indeed.

Does anybody else care to be recognized?

Senator HELMS. Mr. Chairman.

The CHAIRMAN. Senator Helms.

Senator HELMS. I don't want to be left out of this "love-in."

[Laughter.]

Senator KERRY. But you were included.

Senator HELMS. I will say to my good friends on both sides that I know I have taxed your patience. But don't worry about that, we tax everything else around this place.

[Laughter.]

Senator HELMS. I do want to say seriously and sincerely to the chairman what I have said many times before, Mr. Ambassador.

I have never known a more civil man, or a more decent or more courteous man than Claiborne Pell. He has demonstrated that day after day presiding over these hearings.

I thank you, sir.

The CHAIRMAN. Thank you very much.

Senator BOSCHWITZ. Mr. Chairman.

The CHAIRMAN. Senator Boschwitz.

Senator BOSCHWITZ. May I ask this.

Does the amendment that was passed yesterday refer to hearings that were held by the Armed Services Committee and other committees, as well as our own committee?

The CHAIRMAN. This would refer, as I understand it, to any testimony that has been officially presented to the Senate, no matter to whether it is to our committee or to other committees.

I would ask my legal friends if that is correct.

Senator CRANSTON. Yes.

Senator KERRY. [Nods affirmatively.]

Senator SARBANES. [Nods affirmatively.]

Senator BOSCHWITZ. So, we are now going to vote on a treaty that includes all of that as well in the interpretation of it?

The CHAIRMAN. That is my understanding of it. Yes, any authoritative witness.

Senator BOSCHWITZ. Authoritative, yes. We will leave that to future lawyers and others, to figure out what that means.

But, in any event, I would say to you, Mr. Chairman, that I certainly concur with the other Members who have commented on the way these hearings have been conducted. I certainly commend you for that.

I will vote for the treaty here, because I think it should go to the entire Senate. It is not clear to me what we will do later on if this condition remains a part of the treaty.

I would point out that many people—and I don't direct my remarks at any particular Member here—ridiculed the zero option when the President announced it in November 1981, many people on both sides of the aisle. They said that it was unrealistic. They said that this was evidence that the President was not really interested in arms control. And some of the most avid supporters of the treaty were among the people who were so critical of him at that time.

That was just the zero option, then. We don't have the zero option, but we now have a zero-zero option, and I do agree that this treaty is very remarkable progress, for some of the reasons that the Senator from Massachusetts has pointed out, and for other reasons as well.

I would also point out that many of the nuclear freeze advocates, if they had had their way, would have frozen the situation in Europe where there were 1,200 warheads on the Russian side and none on our side. It was only the determination of this administration to go forward with the placement of GLCM's and Pershing II's in Europe that brings us to this day, when we can remove the 1,200 in exchange for just a few hundred of ours.

But, in the event the nuclear freeze advocates would have had their way, we would have institutionalized a situation in Europe where there was a total dissimilarity, a total imbalance, and, instead, we have been able to rid Europe of weapons on both sides of the aisle.

So, this indeed is forward motion.

While I will vote for it here in committee, I reserve my rights, as we all do, of course, on the floor, to see what happens with this condition, which I think applies as well to treaties that are already in existence, I suppose, does it not?

The CHAIRMAN. I think it is singular. It applies to this treaty.

Senator BOSCHWITZ. Not to future treaties?

Senator CRANSTON. This amendment was revised at various points, as we went through many drafts. The original version of the Biden proposal would have applied a constitutional principle to all treaties. This version specifically relates only to this treaty. It only says "this treaty," and report language will make explicit that it does not refer to the ABM Treaty in any way, shape, or form.

Senator BOSCHWITZ. It does not refer to the ABM Treaty?

Senator CRANSTON. It does not refer to the ABM Treaty; absolutely it does not; or to any other treaty.

Senator BOSCHWITZ. That makes it a little better. But, nevertheless, I think it remains a mischievous precedent that I don't want very much to do with. And so, I will reserve my rights, as I said, Mr. Chairman, on the floor.

The CHAIRMAN. Are we prepared to vote?

Senator Kerry.

Senator KERRY. Mr. Chairman, I obviously want to get to a vote, but just want to make one comment, if I may, quickly.

The freeze may have had many deficiencies. But one of those deficiencies was not the fact that it would have locked in the fact that you might have had INF weapons in Europe because if that would have been locked in, you would at least have locked in in every other category of advantage the United States had in air-

craft, in strategic arms, and, most importantly, in submarines. That has been lost in the last years without it.

So, I don't think we need to get into a debate. But when you talk about a freeze and say that we would not have been able to get rid of these weapons if we had had a freeze, we would also have not lost the current advantage in the most important weaponry of all, which is submarines.

Senator SANFORD. Mr. Chairman, I request that we vote. The three Senators down here will forgo their opportunity to talk if we will go ahead and vote.

Senator ADAMS. Yes, Mr. Chairman, that is what we wish to say. [Laughter.]

Senator PRESSLER. Mr. Chairman.

The CHAIRMAN. Senator Pressler.

Senator PRESSLER. I do want to say that I shall be voting against the treaty here. I do want to say for the record that I may vote for the final passage of the treaty on the Senate floor.

I feel very strongly that the Helsinki language will be attached on the floor. I feel very strongly about the conventional forces.

For the record, I shall vote "no" on the treaty today. I may vote for it on the floor, if we improve it.

Also, I want to join in commending Chairman Pell for his fairness and dignity. The hearings and the record will have both sides of the debates, and I believe that future scholars will find them an excellent source.

I thank you.

The CHAIRMAN. Thank you very much.

Are we prepared to vote?

Senator HELMS. Mr.Chairman.

The CHAIRMAN. Senator Helms.

Senator HELMS. Just a small point, but a point that ought to be made for the record.

The papers distributed yesterday, in the resolution of ratification, at the end of the "resolved" clause, did not have the words "which shall be binding on the Executive."

Well, I have no objection to that because even though it was not in what we had yesterday, of course it is binding on the Executive, to the extent that any Senate resolution is binding on the Executive under the Constitution of the United States.

Before we vote, Mr. Chairman, I think it will come as no surprise to you that I request additional views to be filed to the report accompanying the treaty, and I request that the minority staff join with the majority staff in regard to the sections of the report on the amendment by the distinguished Senator from California, which I had a little bit to do with.

The CHAIRMAN. Thank you.

I would add that the language you mentioned was in other drafts that had been circulated——

Senator HELMS. Right.

The CHAIRMAN [continuing]. And was included.

Senator HELMS. It is a small point.

The CHAIRMAN. I would also like to thank very much our staff, because I know I would have been lost without their help. I thank them and my colleagues for their comity in getting us to this point.

Are we prepared to vote?
The clerk will call the roll.
Ms. ALLEM. Mr. Biden.
The CHAIRMAN. Aye by proxy.
Ms. ALLEM. Mr. Sarbanes.
Senator SARBANES. Aye.
Ms. ALLEM. Mr. Cranston.
Senator CRANSTON. Aye.
Ms. ALLEM. Mr. Dodd.
Senator DODD. Aye.
Ms. ALLEM. Mr. Kerry.
Senator KERRY. Aye.
Ms. ALLEM. Mr. Simon.
The CHAIRMAN. Aye by proxy.
Ms. ALLEM. Mr. Sanford.
Senator SANFORD. Aye.
Ms. ALLEM. Mr. Adams.
Senator ADAMS. Aye.
Ms. ALLEM. Mr. Moynihan.
Senator MOYNIHAN. Aye.
Ms. ALLEM. Mr. Helms.
Senator HELMS. No.
Ms. ALLEM. Mr. Lugar.
Senator HELMS. Mr. Lugar votes aye by proxy.
Ms. ALLEM. Mrs. Kassebaum.
Senator KASSEBAUM. Aye.
Ms. ALLEM. Mr. Boschwitz.
Senator BOSCHWITZ. Aye.
Ms. ALLEM. Mr. Pressler.
Senator PRESSLER. No.
Ms. ALLEM. Mr. Murkowski.
[No response.]
Ms. ALLEM. Mr. Trible.
Senator TRIBLE. Aye.
Ms. ALLEM. Mr. Evans.
Senator HELMS. Aye by proxy.
Ms. ALLEM. Mr. McConnell.
Senator MCCONNELL. Aye.
Ms. ALLEM. Mr. Chairman.
The CHAIRMAN. Aye.
On this vote, there are 16 ayes, 2 nays.
The resolution of ratification is reported out.
I would ask unanimous consent that the record be kept open for those who have not voted to vote.
[Senator Murkowski arrived after the vote had been announced and asked that he be recorded as voting aye and that the following statement be inserted in the hearing record.]
[The prepared statement of Senator Murkowski follows:]

PREPARED STATEMENT OF SENATOR MURKOWSKI

The Foreign Relations Committee will take a historic step in voting for Senate consent to ratfication of the INF Treaty.
I support this step, not because I believe the treaty is perfect, but because I believe it is a good beginning down the diffictult road to superpower arms control.

As a member of the Intelligence and Foreign Relations Committees, I have sat through extensive hearings on every aspect of the treaty. The issue of verification alone has been the subject of countless hours of hearings resulting in a detailed Intelligence Committee report. The Armed Services Committee has given the military aspects of the treaty exhaustive analysis. It is fair to say that no international agreement bearing the signature of the President of the United States has received more careful scrutiny.

On balance, the treaty has held up well under that scrutiny. The administration should be complimented that it has crafted an agreement that has withstood the kind of intense investigation that this one has.

As I said, the treaty is not perfect. I wish that the conventional ground-launched Cruise missile option had been preserved—but I understand why it was not. Verification is not airtight—but the combination of on-site inspection and national technical means is, I'm convinced, adequate to do the job.

I don't know if the Soviets can be trusted to carry out the provisions of the treaty. But I believe we must test their intentions. Arms control must start somewhere, and this is a good place to start. If the Soviets prove trustworthy, I believe we will detect that fact before our vital interests are jeopardized.

Mr. Chairman, let me conclude by complimenting you on the fair and conscientious manner in which you have conducted these very important deliberations.

[Whereupon, at 11:20 a.m., the markup was concluded.]

CURRENT STATUS OF UNITED STATES-SOVIET DISCUSSIONS ON INF TREATY

MONDAY, MAY 16, 1988

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met at 2:48 p.m. in room SH-216, Hart Senate Office Building, Hon. Claiborne Pell (chairman of the committee) presiding.

Present: Senators Pell, Sarbanes, Cranston, Dodd, Kerry, Adams, Helms, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Trible, Evans, and McConnell.

Also present: Senators Nunn, Exon, Glenn, Gore, Wirth, Dole, Cohen, Warner, Humphrey, and Quayle.

The CHAIRMAN. The Committee on Foreign Relations will come to order.

First I must apologize to the Secretary and his colleagues for being late, but there was a rollcall vote and some problems on the Senate floor, where I was tied up.

I am very pleased to welcome Mr. Shultz before our committee, the majority and minority leaders of the Senate, together with members of the Armed Services and Intelligence Committees, who have also been invited to join us today.

The Secretary last week held extensive discussions in Geneva with Foreign Minister Shevardnadze on the question of whether the INF Treaty covers missiles which would be armed with futuristic weapons, as well as missiles armed with nuclear and conventional explosives. In addition, the Secretary and his staff sought to resolve a number of technical issues which arose in talks which had been conducted between specialists on both sides in anticipation of implementation of the treaty.

Last Friday, the Senate leadership and the relevant committee chairmen were informed those problems had been resolved. From what I heard on Friday, I believe the problems have indeed been resolved and there should be no further obstacle to beginning floor action on the treaty.

Mr. Secretary, your presence here today is an occasion to share more broadly the details of the agreements worked out with the Soviets. Your report and responses to questions today will be crucial in determining when the treaty is brought up on the floor of the Senate.

It is my hope we could do as much of this hearing as possible in open session. If it is necessary to go into closed session, Senator

Boren has made available the Intelligence Committee's secure hearing room next door.

We should bear in mind that the INF Treaty is really of very little military significance. Only 5 percent, or one-twentieth, of the deployed nuclear weapons are being removed.

And every targeted military or civilian site that is no longer targeted as a result of removal of the nuclear weapons covered by this treaty may, if the opposing side wishes, be retargeted by sea or air-based missiles, as well as by land-based intercontinental ballistic missiles not covered by the treaty.

I find the strong verification provisions reassuring. Clearly, we would be able to detect and react in time to any militarily significant violations, and there is reason for confidence, too, that any such militarily significant violations would quickly be detected through our national technical means.

The importance of this treaty is political and psychological, to signal a stop to the nuclear arms race, a halt to the present continuous upward escalation of Soviet and American nuclear weapons. It would start a momentum downward, not upward.

The result as I see it would be a continuum of nuclear arms control, with ratification of not only the INF Treaty, but of the Peaceful Nuclear Explosions Treaty and the Threshold Test Ban Treaty, a process that would hopefully quickly lead to the negotiation and ratification of a START agreement, which is of great military significance and would require deep cuts, not 5 percent but far more, in the strategic weapons possessed by the Soviet Union and the United States.

And when that happy day is accomplished or is reached, it would be time to consider the next stage of negotiations, where there should be participation by all nuclear weapons nations.

I would ask you to proceed, Mr. Secretary. My colleagues who are busy voting will be back very shortly.

STATEMENT OF HON. GEORGE P. SHULTZ, SECRETARY OF STATE; ACCOMPANIED BY, HON. MAX KAMPELMAN, CHIEF, NUCLEAR AND SPACE TALKS DELEGATION; HON. MAYNARD GLITMAN, CHIEF NEGOTIATOR, INF TREATY; AND HON. WILLIAM F. BURNS, DIRECTOR, ARMS CONTROL AND DISARMAMENT AGENCY

Secretary SHULTZ. Thank you, Mr. Chairman.

First let me extend my compliments and appreciation to you and your colleagues in the Senate for the thoroughness and the constructive spirit with which you have examined this INF Treaty.

There have been over 70 appearances before various committees by different administration and other witnesses. And we have responded to some 1,300 questions in the course of this examination.

All material in the negotiating record has been made available and has been examined by you and your colleagues and staff that has been authorized to do so. I think it is worth noting that this has been a longstanding and bipartisan effort over a sustained period, going back in effect to 1979, in which the NATO dual-track decision was made that had the implication of reducing these intermediate-range missiles to the lowest possible level.

As it turned out, we did get to zero. But that started in 1979. In 1981 there was the unanimous vote of the U.S. Senate in support of the President's announced position of the so-called zero option, and this effort has received broad support throughout, here and abroad.

I might say also that the Senate observer group has been immensely helpful in this whole process. So, I regard the process of conceiving of and bringing into place of this treaty to be a very good example of what can happen when we have a bipartisan strong spirit behind it, and in this case where it is so much an alliance as well as U.S. effort, that we have all of our allies solidly in favor of this treaty.

Mr. Chairman, this is my third opportunity to testify before this committee on behalf of the INF Treaty. In the 2 months since my last appearance here, discussion of the treaty has often centered on questions of detail, especially some of the specifics of the treaty's verification regime.

As part of the technical implementation discussions, it became clear that it was essential to ensure that the Soviets understood and acknowledged their obligations under this treaty. In some cases, we needed to clarify questions that had arisen about how to implement those obligations.

Together, the Senate and the administration identified nine key implementation issues. I am pleased to report that, as is recorded in the document agreed to by the treaty parties last week in Geneva, we have resolved all nine issues to our satisfaction.

But as the Senate prepares to begin debate on this treaty, I hope that the focus will not be limited to the details we have just been discussing. I hope the debate will center on the merits of the treaty as a whole.

As I said in my last appearance, there is one fundamental question you are called on to answer as you consider this or any other arms control treaty: Is it in the security interests of the United States?

I said then and I repeat now, this treaty is in our security interests. The collective security commitment embodied in the NATO alliance has been fundamental to our national security since 1949.

This treaty removes forever a Soviet nuclear threat that has confronted our NATO allies and, I should add, our friends and allies in Asia and the Pacific for over 30 years. This treaty strengthens NATO. By doing so, it strengthens the security of the United States.

The treaty represents the successful outcome of a strategy which NATO adopted in December 1979. The alliance was confronted with the threat, highlighted by the deployment of the SS–20, of the growing disparity between NATO and the Warsaw Pact in INF missiles.

The alliance agreed on a course of action to reduce this disparity: A program of United States deployments in Europe on the one hand and an offer of United States-Soviet negotiations to establish a balance at the lowest possible level.

We have done better than we dared hope in 1979. We have not just reduced the disparity in INF missiles; we have eliminated it. When President Reagan signed the INF zero outcome in 1981—proposed the INF zero outcome in 1981 with the unanimous support of

the Senate, our allies agreed that this would be the best possible way to achieve the objective that NATO had established in 1979.

They reaffirmed this judgment throughout the 6 years of the negotiations. They feel the same way today.

Only the United States and the Soviet Union are directly parties to this treaty, but our allies, who have done so much to bring this treaty about, see it as their agreement, too. When I last testified before you, I described the unanimous endorsement that this treaty received at the March NATO summit.

Since then, NATO defense ministers met in Brussels for a regular session of the nuclear planning group. They could not have made their views about the treaty any clearer. Let me quote from their communique:

> The recently concluded INF agreement between the United States and the Soviet Union is a milestone in our efforts to achieve a more secure peace at lower levels of arms. The solidarity and determination of the alliance members has made the achievement of this longstanding NATO arms control objective possible. We look forward to the early entry into force of this agreement.

When I met with my counterparts at NATO headquarters in Brussels last Friday, on the way back from Geneva, they made clear that they feel the same way.

As the defense ministers noted, achieving this objective was not easy. We would have gotten nowhere in the negotiations had we not taken the necessary measures to preserve our security.

NATO had the courage of its convictions to go forward with the agreed deployment of U.S. Pershing II and Cruise missiles in the face of enormous political pressure. These deployments were absolutely essential to our success in Geneva.

Ratification of this treaty will vindicate our friends, particularly in the INF-basing countries—the Federal Republic of Germany, Italy, the United Kingdom, Belgium, and The Netherlands—who stood by their commitment when the going got tough.

Deployments were essential. But they alone could not guarantee a good treaty. Translating a strategic concept into precise details took firmness, patience, and hard work at the negotiating table to make good on the courage and steadfastness of our allies.

Ambassador Nitze began the job which Ambassador Glitman, as part of the NST delegation headed by Ambassador Kampelman, later brought to a successful conclusion. Throughout, the Congress fully supported our efforts both on the deployment track and in the negotiations, including through the Senate observers group.

I should have noted at the beginning, Mr. Chairman, that I am joined here by Ambassador Max Kampelman, who is in charge of our overall nuclear and space talks; Ambassador Glitman, who negotiated the INF Treaty and who was with me in Geneva and who negotiated out these nine issues; and Director Burns, the Director of ACDA.

The result is the treaty that the President and Mr. Gorbachev signed here last December. It meets the criteria we and our allies established: Equality of rights and limits; limits on United States and Soviet systems only; global limits, with no transfer of the threat from Europe to Asia, or vice versa; no adverse effect on NATO's conventional defenses; and effective verification.

The treaty protects future options as NATO moves ahead to maintain a credible nuclear deterrent and sustain its strategy of flexible response. It does not affect existing patterns of cooperation with our allies or future cooperation and modernization.

It sets important precedents as we pursue our other arms control priorities. In this regard, allied leaders at the NATO summit singled out asymmetrical reductions and the treaty's stringent verification provisions as particularly important precedents.

These reflect two of the top objectives the President set when he came to office. One was to end the era when arms control only guided the growth of nuclear weapons and to begin the process of negotiating nuclear reductions, just as you pointed out in your opening statement, Mr. Chairman. The other was to raise the standards for verification, among other ways, by no longer letting the Soviets just say no to on-site inspection.

On these important points, the President has succeeded in getting the Soviets to deal with our arms control agenda. The facts about the INF Treaty's reductions are now well known. The Soviets will have to destroy missiles capable of carrying some four times as many warheads as the deployed missiles which we will eliminate.

I might say, Mr. Chairman, while I agree with you that the potential reductions in strategic arms are militarily of immense significance, no doubt more than these reductions would be, whenever you take out missiles that carry some 2,000 nuclear warheads, well, it is something. I would not minimize it. That is a lot of nuclear wallop. It helps.

I would like to speak at slightly greater length on the other point which NATO leaders highlighted—the treaty's verification regime. The allies know what they are talking about on this subject.

Much of the regime applies directly to their territory. Just as the INF process has been an alliance effort all along, our allies are doing their part to bring the verification regime into being. They are taking the necessary legislative and executive steps to ensure that we can carry out all actions associated with the treaty that occur on allied soil. The vote in the German Bundestag to put these measures into effect was unanimous.

This committee, as well as the Armed Services Committee and the Select Committee on Intelligence, have heard from me and others on the details of this regime. This is the most detailed, the most intrusive, and the most effective in the history of arms control.

We are breaking new ground with this treaty. On-site inspection is a major forward step in United States-Soviet nuclear arms control agreements. We should not be surprised if this process is not always smooth. It was for this reason that we began talking to the Soviets before the treaty entered into force about how we would actually carry out the procedures we and they agreed to.

When differences surfaced, we worked them out. Some of these problems were resolved at the working level. Others required attention from more senior people. As I have mentioned, during my meetings with Foreign Minister Shevardnadze last week we ironed out the nine key technical details related to the on-site inspection regime.

Of course, to ensure a smooth implementation of the treaty we will continue to talk to the Soviets on administrative matters, such as the details of living arrangements. Additional technical talks which were previously scheduled will get underway this week in Vienna. So, this is an ongoing process to straighten out all these administrative details.

But I can report to you today that as a result of the discussions we just concluded in Geneva, we and the Soviets agree on the rights and obligations established in this treaty.

There is no such thing as absolute 100-percent verification. But it is our judgment that this treaty, through its successive layers of procedures, contains the measures needed for effective verification. Achieving the President's goal of an INF zero outcome pays real dividends for verification. The bottom line is that the verification provisions of this treaty get the job done.

In the course of Senate consideration of the treaty, a question arose which goes beyond verification. I refer to the so-called futuristics issue. This is the question of whether all ground-launched, Cruise, and ballistic missiles which are weapon delivery vehicles of the ranges covered by this treaty would be banned, including those carrying futuristic weapons.

The administration believes that the treaty text, viewed in conjunction with the negotiating record in light of customary international law, as reflected in the Vienna Convention on the Law of Treaties, demonstrates that the two parties had agreed that such systems are banned.

After consultation with the Senate, we confirmed this fact with a formal exchange of diplomatic notes last week in Geneva. Ambassador Kampelman signed the note on our behalf, Ambassador Karpov on theirs.

There is one final question pertaining to this treaty which I must address. That is the wish by some in the Senate to attach a condition to the resolution of advice and consent to ratification which would restrict the President's authority to interpret treaties.

I am sure you are all familiar with the reasons why we oppose such a condition. The testimony of administration witnesses within their authorized scope is authoritative. We believe that you should not allow the INF Treaty to become entangled in a divisive constitutional debate, but instead should consider the treaty on its own merits.

I have described the merits of the treaty to you briefly in my testimony today and at greater length in my earlier appearances. The treaty is the result of the President's leadership, but it is also a significant bipartisan achievement, as well as testimony to the strength and purpose of the NATO alliance.

It is a good deal for NATO and a good deal for the United States. I ask the Senate to give the President its consent to ratification of this treaty without amendments or conditions.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. Secretary.

I would now like to call on our ranking minority member, Senator Helms. My intention after that, in view of the number of our Members and guests who are here, in view of the fact that we have to recess for a coffee with Foreign Minister Peres of Israel at 5

o'clock, would be that we should limit ourselves to about 5 minutes, each of us.

If we can get through in that time, I would suggest after the ranking minority member then, if either the majority or the minority leader are here—and the minority leader is here—that he be recognized, and then we go in the regular order in the committee, and then with our guests.

Senator Helms.

Senator HELMS. Thank you very much, Mr. Chairman.

Mr. Secretary, here we are meeting to hear another report on the latest round of negotiations of the INF Treaty. Last January we were assured repeatedly that the INF Treaty was perfect and the concerns some of us were raising at that time were irrelevant.

But I note that my concerns of last January were still being discussed last week in Geneva. So, maybe they weren't irrelevant and maybe they weren't crimson whales.

Moreover, even as we sit here this morning's newspaper brought reports of new Soviet violations of the INF Treaty, the flight testing of sea-launched Cruise missiles with a range greater than 550 kilometers, being flight tested from mobile ground launchers at the Ninotchka test site.

Now, everybody knows or should know that such testing is specifically banned by the INF Treaty. We know or we should know that international law prohibits any attempt to defeat the object and purpose of a treaty during the preratification period.

Now, the object and purpose of the INF Treaty is to eliminate all intermediate-range missiles. Yet here is a whole new class of missiles which through this latest violation by the Soviets is now qualified to be banned under the treaty, yet are not even mentioned in the treaty.

It may make one wonder why we are even talking about giving approval to ratification at all. Pat Buchanan maybe had it right: INF stands for "It's Not Finished yet." Some are beginning to wonder whether this treaty will ever be finished or whether the treaty means that the United States is finished.

In any case, it may be useful to recall that on April 18, 1988, this year we passed the 10-year milestone of Senate approval of the last major treaties considered by the Senate. Yes, I am talking about the Panama Canal treaties, and those of us who were around 10 years ago remember that there were similar confusions and manipulations about the meaning of the Panama treaties.

The State Department people gave us the same mistaken assurances about the meaning and intent of the Panama Canal treaties and then issued a flurry of clarifications, or they just simply ignored the Constitution and principles of international law.

Now, those treaties were approved by only one vote more than was mandatory under the Constitution of the United States, and numerous Senators suffered for weeks from the results of chronic cases of twisted arms in order to get that close vote.

And what has been the result of the Panama Canal give-away? I submit that they are threefold: First, by giving up our sovereign rights in the Canal Zone, we created a power vacuum that installed a Communist government in Nicaragua.

Second, by making treaties with a gangster we now have the gangster's henchmen ready to take over the Panama Canal, and we are too incompetent to even get him out.

Third, by putting Noriega on our payroll, he was given control of the drug trade that is destroying our children and our young people.

Now, treaties have consequences, as a lot of Senators who voted for the Panama Canal treaties 10 years ago learned to their sorrow. And this INF Treaty will have consequences. It will create the same sort of power vacuum in Europe that was created in Panama, and it invites our European allies to strike their own deal with the Soviet Union and abandon historic ties with the United States.

Now, of course the European leaders deny this just as it was denied 10 years ago that giving up the Panama Canal would have a dangerous impact, but the results have been the same.

The point is this: The principal aim of the Soviets in this INF Treaty is to eliminate what they see as a strategic threat from Europe. The removal of the Pershing II's fulfills that Soviet aim while the purported removal of the SS-20's gives the United States no corresponding advantage.

The rest of my statement I will put in the record, Mr. Chairman, and I thank you very much.

[The prepared statement of Senator Helms follows:]

PREPARED STATEMENT OF SENATOR HELMS

Mr. Chairman and Mr. Secretary. Today we are about to hear a report on the latest round of negotiations on the INF Treaty. Last January we were assured that the INF Treaty was perfect, and that concerns that were being raised were irrelevant. But I note that my concerns of last January were still being discussed last week in Geneva. So, they weren't irrelevant and they weren't crimson whales.

Moreover, even as we sit here, this morning's newspaper brings reports of new Soviet violations of the INF Treaty—the flight testing of sea-launched Cruise missiles with a range greater than 550 kilometers being flight tested from mobile ground launchers at the Nenoksa test site. Everybody knows—or should know—that such testing is specifically banned by the treaty. We know—or should know—that international law prohibits any attempt to defeat the object and purpose of a treaty during the preratification period.

The object and purpose of the INF Treaty is to eliminate all intermediate-range missiles. Yet there is a whole new class of missiles which, through this violation, now qualify to be banned under the treaty, yet are not even mentioned in the treaty. It makes one wonder why we are even talking about giving assent to ratification at all. Pat Buchanan has it right: INF stands for It's Not Finished Yet.

Some are beginning to wonder whether this treaty will ever be finished, or whether the treaty means that the United States is finished. In any event, it may be useful to recall that, on April 18, 1988, we passed the 10-year milestone of Senate approval of the last major treaties considered by the Senate.

I am talking about the Panama Canal treaties, and those of us who were around 10 years ago remember that there were similar confusions and manipulations about the meaning of the Panama treaties. The State Department gave us the same mistaken assurances about the meaning and intent of the Panama Canal treaties, and then issued a flurry of "clarifications"—or simply ignored the U.S. Constitution and principles of international law.

Those treaties were approved by only one vote more than was mandatory under the Constitution—and numerous Senators suffered for weeks from chronic cases of twisted arms.

And what has been the results of the Panama Canal giveaway? I submit that they are threefold:

First, by giving up our sovereign rights in the Canal Zone we created the power vacuum that installed a Communist government in Nicaragua.

Second, by making treaties with a gangster, we now have the gangster's henchman ready to take over the canal, and we are too incompetent to get him out of there.

Third, by putting Noriega on our payroll, he was given control of the drug trade that is destroying our children and our young people.

Mr. Chairman, it is also worth noting that there are 44 Senators still in the Senate today who voted on the Panama Canal treaties. Of the 56 Senators no longer here, only 2 voted to keep the canal were defeated when they sought to run for reelection. On the other hand, 23 of those who voted to give away the canal were subsequently defeated. There may be a lesson here: The American people will not be mocked.

So, treaties have consequences. This INF Treaty will have consequences. It will create the same sort of power vacuum in Europe that was created in Panama, and it invites our European allies to strike their own deal with the Soviet Union, and abandon historic ties to the United States.

The European leaders deny this, just as the State Department denied 10 years ago that giving up the Panama Canal would have a dangerous impact—but the results will be the same.

The principal aim of the Soviets in this INF Treaty is to eliminate what they see as a strategic threat from Europe. The removal of the Pershing II's fulfills that Soviet aim, while the purported removal of the SS-20's gives the United States no corresponding advantage.

Some Senators claim that there is slight military advantage to the Soviets in this treaty, but it is a fact that the Pershing II's will be removed. The treaty may well accomplish the Soviet aim whether the treaty is ratified or not. Perhaps that is why the Soviets keep making it clear to us that they do not intend to be limited by the treaty. That's what last week's Geneva discussions were really about, and that's what this latest violation on Cruise missiles is all about.

The CHAIRMAN. Thank you, Senator Helms.

Senator Dole.

Senator DOLE. Mr. Chairman, first of all, I appreciate very much your invitation to me and Senator Byrd. I cannot speak for the leader, but I want to congratulate Secretary Shultz, Ambassador Glitman, Ambassador Kampelman, General Burns, General Powell, and others. I also thank you for your statement recognizing that the Senate does have a vital role to play in treatymaking. It is a constitutional role. We do advise and consent. This is an important treaty. Certainly Senator Helms has raised some valid questions. Many of those have been addressed.

Now, I would say that I hope we can get started on the treaty. That will be up to Senator Byrd, obviously, but it seems to me that we have straightened out a number of the problems. That will be gone into in greater detail with some of my colleagues because we are about ready to begin Senate deliberation on this very historic treaty. I agree with the Secretary, it is a good treaty. It should be ratified.

I hope we can complete our work in time for the President when he visits Moscow in late May and early June, so he can exchange articles of ratification at that time.

So, I want to thank the executive branch for cooperation with the Senate in making this an even better treaty. I assume there will be technical problems from time to time, even after the exchange of instruments. The Senate's role will continue, but it will be a little different role. Problems will have to be resolved as they come up. Right now, however, I think we have done an excellent job, and I would hope that we are ready to go full speed, and complete our job now in the next 7 to 10 days.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Dole.

Senator Cranston.

I think I will forgo my questions. I want to give everybody else a chance.

Senator CRANSTON. I have no questions. I think the treaty is fine. I am prepared to get into questions if necessary, but I will leave the questioning presently to those who question whether it has been resolved or not resolved. I believe all the major questions have been resolved.

The CHAIRMAN. Thank you.

Senator Lugar.

Senator LUGAR. Mr. Chairman, I want to reiterate the thoughts of Senator Dole. I think the work of Secretary Shultz, General Powell, and their associates during the past few days was very important and very successful, and I think it does point not only to the seriousness with which the Senate takes its obligations in examining the treaty, but also the seriousness with which the administration has been responding to our requests. Certainly that long trip, 2 very full days of negotiations have brought I think a refinement at least of our understanding of the treaty, and it was an important achievement.

I would like to ask Secretary Shultz, Do you believe that the agreed minute signed by Ambassador Glitman and General Chervov constitutes formal agreement between the parties, or do you believe that the Senate should codify the agreement on those issues in the resolution of ratification?

Secretary SHULTZ. Well, it seems to me, but I do not want to pose as a constitutional lawyer, that they represent an agreement between the parties and they are in effect part of the treaty, I would suppose. So, it is there and it is submitted to you formally.

Senator LUGAR. The letters themselves or the minute, at least insofar as you are concerned, is sufficient without the requirement for additional action by the Senate?

Secretary SHULTZ. There are two pieces of paper involved. One is the diplomatic note between Ambassadors Kampelman on our side and Karpov on theirs, dealing with the so-called futuristic issue, and that is in your hands. And the other is the agreed minute that is just a further statement of agreement on various implementing matters that have come up and were worked out there in Geneva, and that is also in your hands, and those I think are both part of the submission of the treaty.

But I have a lawyer here. I will look at him.

Senator LUGAR. Mr. Secretary. Will you or another person from the administration at some point today address the questions raised in the Evans and Novak column in the Washington Post dealing with the testing of the SS–19? A classified briefing may be in order, or perhaps you can give us some idea in this public session.

Secretary SHULTZ. Yes. I can give you I think the basic things in the public session, and if you want to go into detail, I understand that there has been scheduled a Senate select committee classified hearing later. But I think the basic things can be stated publicly, and they are as follows:

First of all, it cannot be true, as Senators Helms said, that the Soviets have already violated the INF Treaty. The treaty is not in effect. It is not possible to violate it.

Now, second of all, after the treaty goes into effect, it would affect testing of missiles with a range capability above 500 kilometers and below 5,500 kilometers. Those are the ranges covered by the treaty. It does not place any limit on land-based testing—it does not place any limit on testing over the 5,500 or under the 500. So, we have to be clear what it deals with and what it does not deal with.

It will limit land-based testing of sea-launched Cruise missiles with a range capability of over 500 kilometers to fixed launchers at test sites. So, we are closely monitoring activities such as those referred to in the Washington Post article.

We are uncertain of the identity of the Cruise missile referred to, but as far as we can figure out, they must be referring to a test that took place earlier this year, probably in February. I might say that I understand that that test was reported to the Intelligence Committees at the time, as is normally the case. So, it is not a news item, so to speak.

We believe that the activity that was described is apparently referring to, likely associated with a Soviet antiship Cruise missile. As far as we know, the data from the Soviet maritime notifications for this test indicate a range less than 500 kilometers, as prescribed by the INF negotiation.

So, first of all, since the treaty is not in force, it cannot be violated by this test, but second, from what we know of this particular test, which was identified, as I said, some time ago, it is nevertheless at a range less than that prescribed in the treaty. But there is more detail available if you wish. But I think it is my advice that further detail ought to be in closed briefing.

Senator LUGAR. Thank you for that information.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Dodd.

Senator DODD. Thank you, Mr. Chairman.

I do not have any statement to make other than to congratulate you, Mr. Secretary. This has not been easy to go back and forth on all of this, but I think it has been tremendously helpful to clarify some of these outstanding questions raised by people whose judgment and questions you respect.

As I understand it, just for purposes of clarity, maybe I misheard you. This is not a—the agreement here is not a part of the treaty but rather an explanation of what is already in the treaty, and that to add that language to the treaty could be argued it would be redundant. It would not be a further addition to the treaty. It is a separate agreement and should not be a part of the treaty unless explicitly done so.

Am I correct in that?

Secretary SHULTZ. Well, we believe that the treaty holds up, that nothing has been changed by this.

Senator DODD. Correct.

Secretary SHULTZ. On the other hand, the practical fact is that as we went about the process of trying to pin down with our respective teams that are going to do the on-site inspection, precisely

what they would do and what instruments they would use and so on and so on and so on, issues arose, and they got clarified as we went along.

There were some nine that became of particular concern and were discussed here in hearings and in our on-site inspection team negotiations with them; and those were resolved in the course of our Geneva meetings, and they need to be a clear part of what we understand between us because we believe that both parties should live by those understandings.

So, they are clarifications.

Senator DODD. Clarifications, but they in no way change neither one dotted "i" nor crossed "t" in the treaty signed by President Reagan and Mr. Gorbachev.

Secretary SHULTZ. That is correct.

Senator DODD. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Dodd.

Senator Kassebaum.

Senator KASSEBAUM. I would like to join, Mr. Secretary, those who believe this has been helpful.

I would like to ask a couple of questions because I think during the course of the hearings in all three committees there were many questions that were raised about technical points of verification, and you have said in your statement today that the talks with the Soviets on administrative matters were still continuing on, as well as some of the technical points in Vienna.

Do you think that the withholding of the ratification in any way acted as leverage to help be more precise in some of the technical points, or just—and if losing that leverage, will we be able to make sure that there is an understanding that we clearly feel is important on some of these outstanding issues still?

Secretary SHULTZ. The issues that are ahead of us are almost all administrative-type issues, and we can go through them and give you examples. There are some 40 that involve—I will just take a sample.

Some of these are shorthand, Mike, so why do you not just give a sample of them.

Ambassador GLITMAN. Certainly.

Senator KASSEBAUM. I hate to use up my time. Can we take it out of committee time?

I think it is important.

Secretary SHULTZ. Votkinsk is probably not the best duty in the world, so we want to know if there are certain places that are nice "leisure time activity" places that will be accessible to us that are nearby, and they probably have some similar concerns.

So, we want to work that out. And then there are problems about certain issues. What is the one on sanitation that always interested me?

Ambassador GLITMAN. We need to work out the medical services for the Soviet inspectors and the sanitation inspection arrangements that have to be made.

I will give you one more, tags for the inspecting party's bags and equipment. There are others that may seem more important than those, but that is the type of thing that we are having to work out.

Senator KASSEBAUM. I am sure that that is a given. I guess what I was interested in is the larger issue. If it was just a question of technical interpretations or if the Soviets were trying to back away from any commitments that had previously been understood.

Secretary SHULTZ. I think the way I would prefer to put it is that problems arose, and we confronted them and worked them out, and we held very firm to our view of what the treaty called for. And that is the way it resulted. It is satisfactory to us, and since they signed up, I assume it is satisfactory to them. I don't think it hurt us any that after a hearing, was it last week, the statement was made that we ought to get these resolved before the treaty went to the floor, but I think probably we would have resolved them.

But any rate, that shows that there is a determination and an insistence that this treaty, as it is written is going to be carried out that way, and that is a good thing.

Senator KASSEBAUM. Thank you.

The CHAIRMAN. Thank you.

Senator Kerry.

Senator KERRY. Thank you, Mr. Chairman.

Mr. Chairman, I would like just a moment to congratulate you, and Senator Nunn, Senator Warner, Senator Boren, and Senator Cohen and the joint effort between the committees, and also to congratulate obviously the Ambassadors and the Secretary who, together with the leadership of those committees, I think have taken an important hesitation, if you will, and turned it into a valuable strengthening of both the process as well as the treaty itself.

And I think the administration is to be congratulated for its prompt and open response in this process which has benefited the treaty process as well as I hope the country in that carrying out of the mandate of the committees to try to resolve this issue.

If I may, I would like to just ask the Secretary and the Ambassadors if, without going into the four major points and the five minor points and all the details thereof, but is it your statement here today that each of those differences has been resolved in a way that you would say is totally satisfactory with respect to the goals that we sought and the interests of the United States?

Secretary SHULTZ. Yes.

Senator KERRY. And would you describe whether or not any concessions were requested of or given by the United States during the negotiations in Geneva last week?

Secretary SHULTZ. Well, we had some problems, and we struggled at them, and we found answers that met all of our concerns, and we found the wording to express them, and we—the process that you go through is sort of one where you argue the issues, and in the end, we agreed on the issues, and as we agreed, we tried to put it down in writing, and then when we got all through, we put the whole thing down in writing, and then you have the English text and the Russian text, and you have our Russian experts and their English language experts look at these texts to examine as best we can the nuances of the words and so on, and finally say yes, the two texts are truly conformed and so on. And that is the process that we went through.

So, there were some changes that were insignificant such as they wanted to change Soviet to U.S.S.R., or vice versa—I cannot re-

member which—and things like that, but then there were some more substantive differences, the most important one at the end being how long would be the minimum length that we could examine as it came out of the Votkinsk factory, and there we found I think a very satisfactory answer.

Senator KERRY. Are there any remaining disputes between us and the Soviet Union as to whether or not United States inspectors can adequately verify the Soviet compliance with the treaty?

Secretary SHULTZ. Well, we think all of the issues that had real substance to them have been worked out. We have complete access to the sites that were specified, including all of the buildings and so on, and all of this is covered in these points that we would be glad to go through with you one by one. But we think basically that process is well in hand.

We have—I will give an example of something that will have to be resolved. The SS–20 comes out of its factory, as does the SS–25, in a container, and as we have come to understand this process, there are good reasons for that. As we examine what comes out—let's say it is an SS–25, presumably, not an SS–20, but anyway, we have the right to inspect to see that it is not an SS–20, and one of the ways of inspecting it is kind of an x-ray type machine.

Correct me if I go off the track here.

Ambassador GLITMAN. You are doing fine.

Secretary SHULTZ. Now, you need to have a powerful enough x-ray machine to x-ray all of the things along the surface of that missile that enable you to distinguish it. On the other hand, we are not entitled by the treaty to have an x-ray machine that is so powerful that it can help us understand what the inside of an SS–25 looks like. That is not covered by the treaty.

So, we have got to find that right calibration, and I guess we have about found it, but that is the kind of thing that—and there are a couple of others like that, but most are in the category, the things remaining, that Ambassador Glitman was relating to Senator Kassebaum.

Senator KERRY. Thank you very much, Mr. Chairman.

Thank you and I congratulate you again, Mr. Secretary.

The CHAIRMAN. Thank you very much, Senator Kerry.

Senator Boschwitz.

Senator BOSCHWITZ. Mr. Chairman, you said that one of the problems at Votkinsk was allayed by virtue of the Soviets not bringing certain canisters out of certain sizes, and so that solved that particular issue, in answer to the Senator from Massachusetts.

Would you for the record please discuss how the problem of futuristic weaponry was resolved?

Secretary SHULTZ. It was resolved in precisely the manner that Ambassador Glitman testified to when the issue first came up; that is, that what the treaty prohibits is missiles in the range identified, as it was said in our negotiating record, however armed.

Now, that includes the so-called futuristics, but I think a concern arose that in saying that, we might be in effect committing the United States to something that the Soviet Union did not feel obliged to follow. And so, it was requested, I think understandably, by the Senate that that be clarified, and so we had several discussions with the Soviets, but the most recent one was on the basis of

a piece of paper which we took to Geneva which had been talked through with interested Senators beforehand, and which Ambassador Kampelman then worked through with his opposite number, Ambassador Karpov, and worked out that diplomatic note which expressly nails that point down.

Senator BOSCHWITZ. The Soviets in the last few months seem to have been quite ambivalent. They have had an attitude that almost suggested that they were backing away from certain aspects of the agreement.

Do you agree with that assessment? And what does this suggest to you? Does it suggest that perhaps internally the Soviet Union also is ambivalent or is not in accord entirely with the agreement?

Secretary SHULTZ. I do not sense any ambivalence. I think they have signed it and they are in favor of it.

They obviously have some heartburn about the fact that they are giving up four times as many warheads as we are. And it was apparent in our negotiations in Geneva that there's at least one person on their side who is having a hard time accepting that we're going to go and look at certain facilities in the Soviet Union.

But they stuck to their agreement, just as there are people on our side who have a little heartburn that they are going to spend some time around some of our facilities. But that is in the nature of this agreement. But basically I think that they support, and at least as unambiguously as we do.

Senator BOSCHWITZ. I agree with you that the resolution approving this treaty ought to be clean and that we ought to remove the divisive issues, such as the treaty interpretation questions that have been raised here in this committee.

I know that the administration has been heavily involved in working out a bipartisan approach to this issue and I hope that we approve a clean treaty. How do you recommend we work ourselves out of this particular issue?

Secretary SHULTZ. I hesitate to say, because my people who know a lot more about how the Senate works on the administration side, such as Howard Baker, than I do are working on this issue.

But from my perspective, where we are is as follows. And I think this is contained basically in a letter I wrote to Senator Nunn, but I am a nonlawyer, and I do not know about the Senate the way Howard does.

First of all, we have said that authorized testimony, the testimony of the administration, people are testifying within their competence, is authoritative. And if there is something that is a question and you wonder about it, say so and we will confirm it.

Second, we have answered some 1,300 formal questions. Third, the full negotiating record has been before you, so there is, unlike past treaties, you see everything that there is to be seen.

So, the first thing is that there is an authoritative record there, and we say it's authoritative. And the second thing is that the administration says that we will live by that.

We do not have any intention to try to change that in any way. And, as I understand the law in this regard, a clear treaty provision, as understood by the Senate when it ratifies something, is U.S. law. So, everybody has to obey U.S. law, whatever it is.

And all of those questions that have been something of an issue in other settings I believe have been answered satisfactorily in connection with the INF Treaty. So, it is our hope that this treaty can proceed without getting it involved in a different debate that is going on.

Senator BOSCHWITZ. Thanks.

The CHAIRMAN. Senator Sarbanes.

Senator SARBANES. Mr. Secretary, why did these problems arise on the verification regime, as best you can ascertain it?

Secretary SHULTZ. These most recent ones?

Senator SARBANES. Yes.

Secretary SHULTZ. They arose because in our desire to be on the one hand careful and on the other well prepared at the moment the treaty goes into force, assuming it does, we have already formed our on-site inspection team, and so have the Soviets.

And we have started to have meetings between those two groups, so that they work out all of the procedural, administrative, and other details that are going to concern them.

That is, our people and theirs are both the ones who are going to go to the other country and the ones who are going to escort the visitors around this country. So, they have been trying to pin things down in all of the myriad administrative ways that will be necessary. And basically they have gone through I don't know how many questions, but a lot, and resolved them satisfactorily.

There have been a few, and the ones that were highlighted in the past week or so, and which became the subject of discussions with your colleagues, and which both they and we felt needed to be clarified firmly, that came up and which have definite treaty implications, so to speak, that impinge on the quality of the verification regime as we saw it, as distinct from some purely administrative things. And so we proceeded to get those matters clarified.

But it arose because of our desire to have these on-site inspection teams well positioned at the start of the treaty. I suppose if we had not been that forehanded, these issues might not have arisen.

But this, I think, it is important to go ahead and do this. And as a matter of fact, the two inspection teams will be meeting again, I think, beginning Thursday in Vienna, the 18th, to continue this process.

Senator SARBANES. Do you and your negotiators feel that the fact that the Senate had not yet given its consent to the treaty, and that it had in fact encountered these difficulties, provide an extra impetus to clearing it up during these discussions?

Secretary SHULTZ. It helped us.

Senator SARBANES. So, what little delay there has been has actually turned out to be beneficial in terms of getting the treaty clarified and tying down verification provisions which might otherwise have remained in dispute between the two countries?

Secretary SHULTZ. I believe that we can resolve these problems, and we have resolved endless numbers of them.

But as we went to this last meeting in Geneva, the last ministerial before the summit meeting, it was helpful to us as a matter of negotiation to be able to say that we must get these resolved and we will not recommend that the treaty go to the Senate, and the Senate would not act on it anyway until we do get them resolved.

And Shevardnadze, of course, said this treaty must go to the Supreme Soviet, and I can tell you that unless we get them resolved satisfactorily we will not send it to the Supreme Soviet. And so I said, "Fine, let us get them settled." And we did.

Senator SARBANES. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Pressler.

Senator PRESSLER. Thank you very much, Mr. Chairman. Mr. Secretary, you have covered some of the areas I am interested in.

I do not depend upon the press for all of my information. But there was an Evans and Novak column which reported the allegation that the Soviet negotiators had warned back on December 3 that if an INF agreement could not be signed by December 8, when Mr. Gorbachev would meet Mr. Reagan in the White House, that there would not be a treaty.

And it went on to outline some of the specific ambiguities that resulted from the hurried conclusion of the treaty. Did the Soviets ever communicate to the United States officially or unofficially that there would be no INF Treaty if it were not ready for signature when Gorbachev came to Washington for the December summit?

Secretary SHULTZ. I do not recall anything of that kind. But it was clear that both parties preferred to get the treaty done, and there was not any reason for it not to be done.

And I think the subsequent examination of this treaty shows that it was carefully done and well done. And it has held up extremely well to an examination that I believe the history of your deliberations in the Senate would show has been more searching than any previous arms control treaty, by far.

Senator PRESSLER. Do you believe there are any remaining disputes with the Soviet Union regarding the rights of United States inspectors to verify Soviet compliance with this treaty?

Secretary SHULTZ. I think that we have dealt with all of the ones that are of major significance. But there are still issues that we are struggling with, or problems.

I have mentioned several of them already in this hearing. And I think that we will work through them all right.

Senator PRESSLER. What, if any, concessions did the Soviet Union request of the United States in the negotiations in Geneva last week?

Secretary SHULTZ. We had a set of issues that I think were well known in the Senate. I can describe them one after the other, where we felt we had problems that emerged when these two on-site inspection teams met and discussed their ideas of what would be done.

We communicated those issues to the Soviet side. They gave us some written answers, some of which were satisfactory, others of which were not, or weren't fully spelled out. And so we sought to resolve the problems in Geneva, and we did.

And unless you want to go through them one by one, I do not know quite how to answer your question.

Senator PRESSLER. No, my question is, what concessions did we make to them to get this latest extension of the agreement?

Secretary SHULTZ. Well, it is not an extension of the agreement. The agreement is not changed. It is the spelling out of exactly how

we will proceed. And as far as we are concerned, we got our questions answered in a satisfactory way.

Senator PRESSLER. So, in other words, nothing changed. There were just clarifications, there were not any concessions on either side then.

Secretary SHULTZ. We had a lot of discussion back and forth on this and that issue. And the result of it is a result that we think is fully satisfactory from our standpoint.

And I do not know if it helps anything to say that they made lots of concessions or we made lots of concessions. As we see it, we got what we needed and wanted.

Senator PRESSLER. You are here presenting the results of the talks, and I know that both sides had points.

What I am trying to get at is this—did we make any concessions from our point of view? That is, we were asking them for more thorough on-site inspection rights, the right to inspect canisters more and so forth, which apparently they agreed to. Did we make any concessions?

Secretary SHULTZ. We can go through these points one after the other with you, and you can judge that. We believe that what we did was insist that precisely the terms of the treaty be lived up to by both sides.

There were some questions that they raised with us, which we responded to. For instance, on point 2 here, which you can explain if you want, there were things that they raised. They also raised a question about the Pershings that was surprising to us. But we held our ground on it, and they seemed to accept that.

But if you would like to go through this one by one, we would be glad to do it.

Senator PRESSLER. Well, that is not what I really requested. In your judgment, were there any points that we conceded?

There were complaints or questions from our side, mainly, that came from the Senate. We now think they are resolved in this particular area. Did we give up anything to get those additional concessions?

Secretary SHULTZ. We do not think so. And I suppose from their standpoint, they would say they did not make any concessions either. That what we did was resolve problems.

And what we are trying to create, as we can, and I think we are reasonably well on the way to doing it, is a kind of a positive attitude in these two on-site inspection teams, where they have a job to do and we want the atmosphere to be one where they understand it clearly on both sides, and they in a positive sense both want to see it accomplished well.

And there are a lot of reciprocal things they can do that make life easier on each side, and when I say life I mean just the ordinary human day-to-day living that people have to do. So, we are trying to create that kind of an atmosphere.

Senator PRESSLER. I see my time is up.

The CHAIRMAN. Thank you, Senator Pressler. Senator Adams.

Senator ADAMS. Thank you, Mr. Chairman. Thank you, Mr. Secretary. I appreciate your being here. I support our moving ahead with this treaty.

I want to state to Ambassador Glitman that, and I am going to ask in a minute on what an agreed minute and a diplomatic note is. But I heard General Chervov in April in the Soviet Union say exactly what you said about futuristic missiles.

What you are really talking about here, Mr. Secretary, in all of these points are simply procedural implementation of that treaty. Is that not correct?

Secretary SHULTZ. Well, that is our view, that the treaty has——

Senator ADAMS. That is your view——

Secretary SHULTZ. It was signed, it is there, it has not been changed. But questions have arisen, and you mentioned the question of futuristics.

And in the course of the discussion of that, the question was raised, well, if this is our interpretation, and we are in effect saying the treaty binds us in certain respects, is that also what the Soviets think, so that they are also bound. And we felt that the answer to that clearly was "Yes."

On the other hand, that question was raised, and so it is that question that occasioned this exchange of a document, the same document, one signed by them and one signed by us, exchanged back and forth, saying that. And we think that is a clearly binding commitment.

Senator ADAMS. Mr. Secretary, I need your help on this to define these, because I want to be very certain that I use your testimony and not my interpretation.

You signed a diplomatic note on futuristic missiles between Mr. Kampelman and Mr. Karpov. A "diplomatic note" in this case is an authoritative statement of what the Soviets state is their position and what we state is our position, and therefore the Senate can rely upon that as being an interpretation of a portion of the treaty. Is that correct?

Do you want Mr. Kampelman to answer? Please have him answer. I just want a yes or no. I want to be very sure.

Secretary SHULTZ. I have a great deal of respect for Ambassador Kampelman and his powers of clear analysis.

Senator ADAMS. I do not have a lot of time.

Secretary SHULTZ. I think the answer to your question is "Yes."

Senator ADAMS. All right. Mr. Kampelman, do you agree with that, the answer is "Yes"? I have defined it correctly, and that is the position of the Secretary of State and of yourself.

Ambassador KAMPELMAN. I do agree with that.

Senator ADAMS. Thank you. The second point is on the agreed minute. The agreed minute is on the verification issue. I do not know why you used one as opposed to the other.

But the "agreed minute," as I understand it, is authoritative testimony on the Soviet position on verification and our position on verification, which is an interpretation of the treaty as it would be implemented. Is that correct?

Secretary SHULTZ. Yes.

Senator ADAMS. Mr. Kampelman?

Ambassador KAMPELMAN. Yes.

Senator ADAMS. Mr. Glitman?

Ambassador GLITMAN. Yes.

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Senator ADAMS. All right. Now, you have got these teams meeting. What I am concerned about is this. On these procedural matters, if you had never formed these teams these matters would not have come up before the Senate. Is that not correct? I believe that is what you testified.

Secretary SHULTZ. Well, they may or may not have.

Senator ADAMS. May or may not have.

Secretary SHULTZ. But anyway, we had our view, and the two teams have met and been discussing this. And so these problems have been worked out.

Senator ADAMS. Exactly. So, you went over and used a minute and a diplomatic note to answer the questions that have been raised in the Senate.

Now, what I am concerned about is this could happen again and again and again. As these teams meet, and they are discussing implementation of a treaty not yet ratified, technical issues arise. Do they not? Such as what power of x-ray machine, tags, area to go into.

What I want to be certain is defined is that we are not talking about changing this treaty but that you have teams out there that are discussing technical matters, and I just do not want to have to go through this every time there is another technical discussion on a particular part of the treaty.

Now, are we going to have a series more of these as the teams meet? You see, I do not happen to believe these are part of the treaty. They may be an explanation and it may give comfort to people, and that is fine. I want them to be comfortable so they will vote for the treaty.

But I just want to know if we are going to have a series more of these, which can bring us back to another hearing and another hearing and another hearing.

Secretary SHULTZ. I do not think that the kinds of issues that we see out there, some of which will probably be discussed 6 years from now, are things that are material to the treaty as such.

Senator ADAMS. That is what I think.

Secretary SHULTZ. If we have an argument with them, for example, about whether or not people who are doing inspection duty, should be allowed to go to some nearby place for leisure time, well, you can see that you could have those kinds of disputes, because they are restrictive about where you can go in the Soviet Union.

But I do not think that is a material thing. But it is part of this atmosphere that I was referring to earlier, that we want to create an atmosphere where the people involved in these teams will understand clearly what they are supposed to do and on the whole be ready to work together to bring it about.

Senator ADAMS. I understand that, Mr. Secretary. And I support—I do not think it is a very good idea for mixing it in with the treaty ratification process. But I understand your reasons for that.

My final question to you is, Did this represent, in your opinion, from your discussions, any shift or backing away of the Soviets from this treaty? Or was this an explanation of technical procedural matters which there may have been some confusion about, and which there will be more of?

Secretary SHULTZ. Well, I would prefer to say they, as I have said here before, that some problems arose, we settled them.

Now, I think it is also important that whatever may have led to the emergence of these problems, that it was clear here, and clear that it was not an issue here, it was clear that we would insist that these issues be resolved in accordance with the treaty.

That is what we are going to do. We are just going to always be in that position. And they can try you on for size here, there, or elsewhere. But that is what we are going to insist on.

Senator ADAMS. Thank you very much, Mr. Secretary. I wish you well in your endeavors.

The CHAIRMAN. Thank you.

Senator Trible.

Senator TRIBLE. Thank you, Mr. Chairman.

I will not have any questions, but let me say to the Secretary, I applaud your work and the effort of your team through a rather lengthy process. My concerns have been met, my questions answered thoroughly, convincingly. And I look forward to the opportunity to vote to ratify this treaty.

Thank you.

The CHAIRMAN. Thank you, Senator Trible.

Senator Nunn, may I say how glad we are that you are here and how much we have enjoyed working with you and Senator Boren the last few weeks.

Senator NUNN. Thank you very much, Mr. Chairman.

I will not ask but a couple of questions, one administrative. We received word, Mr. Secretary, I believe from Ambassador Glitman before our committee, and I believe maybe you made this commitment before this committee when we started this testimony, that your testimony would be authoritative. And I think you repeated that today on page 9 of your statement.

The second part of that was that we know that when there are a number of witnesses testifying at several different committees, three in the case of the Senate, that from time to time there can be conflicts, inadvertent and so forth. But as we prepare to debate the treaty, and certainly before we conclude to give advice and consent to the treaty, we would like to have any corrections or any errors that have been made in the authoritative testimony pointed out to us, so that the record can be clear.

Could I get your assurance and that of Ambassador Glitman and Ambassador Kampelman that that process is continuing, and that we will in the Senate be informed if and when you discover errors or omissions?

Secretary SHULTZ. Yes.

Senator NUNN. The other question I have is also on page 9, or maybe an observation. You state here, relating to the Biden amendment, that there is "the wish by some in the Senate to attach a condition to the resolution of advice and consent to ratification which would restrict the President's authority to interpret treaties."

I would like to just get you to react to my view of that. We are not restricting in the Biden amendment, if and when it becomes part of this, the President's right to interpret treaties. What we are saying is when we get authoritative testimony, if the President

later, after ratification, decides to change that testimony, that is not an interpretation; that is a reinterpretation.

On matters that have not been testified to, that have not been given an authoritative testimony, that would be an interpretation. To me, there is a fundamental difference.

Would you agree or disagree with that?

Secretary SHULTZ. Well, I am a little hesitant on the yes-or-no aspect of the way you put that, Mr. Chairman. Let me say, as I would understand it, if something is testified to and——

Senator NUNN. I guess I am saying that your testimony is either not authoritative or if it is authoritative it does not mean anything if with regard to that same testimony when a point has been raised, and it has been testified to, the testimony is authoritative, if this President or another President then goes back and changes that. Then that is not an interpretation; that is a reinterpretation. That is my only point.

Secretary SHULTZ. As you put it, the answer is clearly "Yes." As I would understand it, when there is something that is clear in the treaty and in the testimony and debate and so forth, as in this case, then when that treaty is ratified it and that understanding of the record becomes U.S. law.

If there is something that has not been covered or in the judgment of some has not been covered, that is what leads you back to look at the treaty record and things of that kind. We have tried to deal with these issues in the case of the INF Treaty in several respects that are, I believe, at least somewhat unprecedented.

First of all, the full record of the negotiations has been available to you. So, there is not something that is lying in the weeds over there that you have not got access to.

Second, we have stated that the testimony is authoritative.

And third, we have said that the President will stand by that authoritative testimony.

So, we think we have laid down all the things that are needed to pin this treaty down very carefully, in precisely the way you just said.

Senator NUNN. Well, I think following that format we ought to be able to resolve between the Executive and the Senate this continuing disagreement over the Biden amendment.

I think that is the key to it. An interpretation is in the first instance. The reinterpretation would be a reversal of previous understanding with the Senate, and that to me is the fundamental difference in what we are talking about. And I hope we can resolve the Biden amendment.

Mr. Chairman, thank you very much for allowing us to appear, and I want to thank the Secretary and his whole team here for I think an extraordinary effort in getting these clarifications that you have presented here and that we will hear about in the Intelligence Committee, from you in the Intelligence Committee and Armed Services today.

I think we have gone a long way, and I hope that our hearing this afternoon in Intelligence will get into the real details of it, and I am sure we will on some of these provisions.

But I am very hopeful that we will come out of that with an assessment that all of these matters have been clarified.

The CHAIRMAN. Thank you very much.

The ranking minority member has not asked his question. Senator Helms?

Senator HELMS. I only have a couple.

Mr. Secretary, I am going to submit some questions in writing relating to verification. We have been up and down the street.

I remember back in January Mr. Edmunds said we have no reason to doubt the accuracy or the authenticity of the SS–20 photograph or any of the others. And then I got a letter from the State Department that says, we have no basis to charge the Soviet Union with failure to provide the data, et cetera.

At the very time that the Department was saying all this, the Department was negotiating with the Soviets.

Secretary SHULTZ. Doing what with them?

Senator HELMS. The Department was negotiating with the Soviets, trying to get the Soviets to correct the situation by furnishing new data and new photographs. But I will not get into that at this time.

Did I understand you to say that the report this morning was absolutely incorrect, about the SLCM, the sea-launched missile?

Secretary SHULTZ. I said it is, first of all, incorrect to say that the test they had earlier this year was a violation of the INF Treaty for, among other reasons, the INF Treaty isn't in effect, so it is not possible to violate it.

Senator HELMS. I beg your pardon, Mr. Secretary. Unless I am badly mistaken, this treaty was signed in December; was it not?

Secretary SHULTZ. It is not an effective treaty until it is ratified.

Senator HELMS. Do not be too certain about that.

Secretary SHULTZ. I am surprised to hear a Senator say that.

Senator HELMS. Do not be too certain about it, and it is not a laughing matter, because international law addresses this. Once the signatories have put their names on the document—and incidentally, there is a good question about whether Mr. Gorbachev even had the credentials there to sign that treaty on the day that he signed it—I think you will find that international law requires the signatories to take no steps to defeat the "object and purpose of the treaty" before it is ratified.

Thus, the signature starts, assuming that Mr. Gorbachev can somehow after the fact be authorized to sign the treaty, which he was not on the day that he signed it, the signature started or triggered the compliance obligations.

Therefore, I would ask you, cannot a violation occur under international law even before the treaty is ratified? Now, you are certain that you are correct about that?

Secretary SHULTZ. I am certain that that test could not have been a violation, and the treaty provision that prohibits testing does not take effect until after the treaty is ratified.

Now, beyond that, as I said earlier—and I better be a little careful because there is apparently some classification on this—the treaty only affects tests with a range between 500 and 5,500 kilometers.

Senator HELMS. Right.

Secretary SHULTZ. This particular test, if we have in mind the one referred to in the newspaper article, did not exceed 500 kilometers.

Senator HELMS. How do you know that?

Secretary SHULTZ. Because the test was monitored.

Senator HELMS. I do not know that we are violating any intelligence. If I am, somebody tell me to hush. But it was in terms of the maritime placement, the scheduling of ships, telling them to pull in and that sort of thing——

Secretary SHULTZ. I am sorry, I was getting whispered to as you were talking, Senator.

Senator HELMS. Well, there are several criteria by which you measure the range of the missiles. And as I understand it, there was only one and that involved the maritime, they told the ships to pull in or whatever or to move out. Now, was there more than one criteria used in the declaration that you have made that it was under 500 kilometers?

Secretary SHULTZ. I believe that you are now into an area having to do with intelligence methods, and you should ask that question in the classified briefing.

Senator HELMS. I would just ask those who are on the Intelligence Committee to pursue that. I think I know what I am talking about, but I may not.

And I would also hope that your lawyer would give me a memorandum and give you a copy, or vice versa, as to whether I am wrong about the signing by Mr. Gorbachev and Mr. Reagan of the treaty, if that did not trigger what I am talking about. I think that anybody versed in international law will agree that that is so. But anyway, we can pursue that later.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Helms.

Senator Glenn, an alumnus of this committee. Welcome back.

Senator GLENN. Thank you, Mr. Chairman. Just a couple of questions.

Do we have any estimate of what it is going to cost to monitor this agreement? I am interested in the budget. You got your budget cut last year. I do not want to see us getting into this costly verification process and have a big budgetary surprise at the end of the line.

Secretary SHULTZ. It is not my budget. It is the Defense Department budget. But it does cost money to engage in these activities, and they have been estimating that as we have been getting up the on-site inspection team and developing their personnel and methods for doing so.

I do not have in my mind exactly how much that is, but it is an expensive thing to do this job.

Senator GLENN. It is, I know. And I have been out to Sandia and examined the portal monitoring unit that we put together as a test monitoring unit that will go to Votkinsk, and it is not inexpensive.

Have we seen the Soviets' portal monitoring facility that will be used in this country?

Ambassador GLITMAN. I do not believe we have yet. They were very interested in the type of equipment we were going to use, and

it may be that they will perhaps want to purchase some of the stuff that we have built.

Senator GLENN. Will there be any sharing of equipment to provide better monitoring? Is that contemplated?

Ambassador GLITMAN. It is possible that could happen.

Senator GLENN. That has not been worked out yet?

Ambassador GLITMAN. No, they are still looking, as we are, at some of the techniques. But as I said, they showed some interest in some of the equipment we were using, and it may be that we will make it available to them.

Senator GLENN. During the hearing, I have been looking at what we are permitted in the Soviet Union. And we are permitted access not only to the buildings, but to install systems to monitor access, to include weight sensors, vehicle sensors, surveillance systems, vehicle dimension measuring equipment, and so on, which we have developed here over the past couple of years.

It is rather impressive to see all that working. And I just was curious about how we monitor all the equipment they may bring into the United States.

We also have prohibitions on bringing in any equipment that might be used for other purposes. And I am wondering how we are monitoring that as they develop their systems and how they are monitoring us as we develop ours.

Is there an informational interchange in this area?

Ambassador GLITMAN. That is one of the things the technical talks are achieving, and we have been to Votkinsk a couple of times. They have been to Magna at least a couple of times. They have also seen that facility that you saw.

So that we are trying to work with them to ensure that both sides are using comparable equipment and that the equipment that is used is used only for the purpose which is covered by the treaty.

Secretary SHULTZ. There will be in a sense monitors on the monitors. That is, our people in the Soviet Union will be accompanied by theirs, and their people in the United States will be accompanied by ours.

Senator GLENN. What is the status of the teams and the development of equipment? In other words, say we approve this next week. When could we physically start the monitoring specified in the treaty?

Is it going to be a year before we have this developed, or 6 months or 30 days? What is the prognosis of when we actually can put this verification regime into effect and have people out there doing the monitoring?

Secretary SHULTZ. The purpose of identifying our on-site inspection teams and getting them trained and having the interplay with the Soviet inspection teams is to see that we will get a running start on implementing the agreement.

And Mike, perhaps you could comment on the date.

Ambassador GLITMAN. Our aim is to be ready 30 days after entry into force to begin to set up at Votkinsk. And the treaty requires that 6 months after entry into force all of the buildings and superstructure has to be there as well. But that means they will be living in tents for a bit of a while until the rest of that is completed.

But basically, we want to be ready to start, as the treaty requires, 30 days after entry into force.

Senator GLENN. I had a briefing on how this whole thing would sort of fit together and how the teams have been put together. That is an enormous job. I think we have underestimated that verification task, perhaps, if anything. And I do not know whether we can get it in place that rapidly or not.

We are going to be very pressed for time, it would appear to me, to get this executed and get our teams and equipment over there in order to physically do this job.

Do you have any doubts about our being able to do that in the time period required?

Ambassador GLITMAN. I know that is the goal of the people who are working on it?

Senator GLENN. But do you have doubts about it? I have very serious doubts about being able to do it in the time period we are talking about.

Ambassador GLITMAN. If the General tells us, General LaJoie, who is in charge of that, tells us that he believes it can be done—and he does, and he knows his instructions—I think he's going to carry it out.

Senator GLENN. Well, he is not going to say it cannot be done, I am sure of that.

Secretary SHULTZ. He is rather impressive. And I think if you have some questions, it would be worthwhile talking to him.

Senator GLENN. We need to give him a great deal of support to get this process going, I know that. And the money support cannot be lacking there or we will not make it for some time period beyond the 6 months. That is for sure.

Thank you, Mr. Chairman, very much.

The CHAIRMAN. Senator Evans.

Senator EVANS. Thank you, Mr. Chairman.

Let me ask a couple of more detailed questions about at least a couple of the five major issues that you dealt with recently. One was on what size containers exiting the Votkinsk production plant will trigger extensive inspection rights?

Do I understand correctly that the solution as we got it was not that it would change anything in terms of the size of the canisters which would trigger inspection, but that they agreed not to ship containers of other sizes that might be subject to dispute?

Is that essentially what happened?

Secretary SHULTZ. Our right under the treaty in respect to the Votkinsk facility is to assure ourselves that what is shipped is not an SS-20. We do not have any right to know what is shipped other than that it is not an SS-20.

The SS-20 canister has a certain length to it that is known. If something comes out of there that is longer than that, let us say presumably an SS-25, we have a right to examine that to see that it does not contain the smaller SS-20 missile in it.

The SS-20 has the missile and all, and then it has a nose cone on it. And the way they have shipped it out, it is shipped totally assembled, including the nose cone.

Ambassador GLITMAN. Without the front end. Basically, it is shipped out without the front end, and we know roughly what the length of that is.

Secretary SHULTZ. So, we want to be sure that anything long enough to contain that missile without the front end can be inspected by us. And there is a distance between that length and the length of the SS–20 normal canister, and they have said that they do not plan to ship anything out in that length.

And we said, under those circumstances we will not inspect what you do not ship out. But the burden of the argument was over what that minimum length was, and we have assured ourselves of a minimum length that will do the job that we think needs to be done.

Senator EVANS. If they were to ship just the first two stages—is that missile designed so it has just two stages plus the head, or is there another stage and the head?

Ambassador GLITMAN. The missile consists of two stages plus the connectors, and then there's another piece that goes on the end.

Senator EVANS. Was there a concern that if they shipped just the first two stages, that that would be so much shorter than the SS–20 canister that it would not trigger inspection?

Ambassador GLITMAN. Fundamentally, we were concerned that they not get the missile out. The normal way of shipping that missile is the way that you see it in the photograph that they gave us, and which is available to all of you.

That missile is shipped out normally in its launch canister, and if it is anything longer than that launch canister, like an SS–25 canister, we have a right to inspect it, x-ray it, open it up eight times a year. That was fundamentally what we were after at Votkinsk, was to guarantee ourselves that they were not shipping out SS–20's under the guise of SS–25's.

As we went through these talks, they began to raise grave questions in our minds. And to resolve those questions—and here again, I think the Senate played a helpful role—we went back and said, "We want to be assured that you are not going to ship out an SS–20 in a smaller canister than that launch canister."

That is what they have assured us now.

Senator EVANS. That they just will not use any canisters smaller?

Ambassador GLITMAN. That is right. And the way it is worded, as Secretary Shultz put it, as long as they are not shipping anything out of that size that might take an SS–20 in a shipping container, for example, there will be nothing to inspect.

Senator EVANS. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Evans.

Senator Warner.

Senator WARNER. Thank you, Mr. Chairman.

Mr. Secretary, let us address the futuristic issue. You selected the diplomatic note as the means by which to incorporate the understanding between the two governments. What was the reason for that?

Secretary SHULTZ. I was hoping Ambassador Kampelman could answer the difference between a diplomatic note and an agreed minute, and maybe you can, Max.

Senator WARNER. Please, Mr. Ambassador.

Ambassador KAMPELMAN. A diplomatic note, of course, has both a symbolism and a reality which brings it very close to a totally formal agreement; that is a totally formal agreement between the parties.

My understanding was, Senator, a little bit unlike your comment, and perhaps I stand corrected. My understanding was that the decision to use a diplomatic note was arrived at during the course of exchanges between Members of the Senate and the executive branch of the Government, exchanges in which I did not participate; and that there was a preference on the part of some Members of the Senate to use the diplomatic note as the form for expressing that agreement.

Now, maybe that is not accurate.

Senator WARNER. Well, I was one of the Senators involved, and others can speak for themselves. This was the subject of some discussion, but what I am trying to come at is the extent to which this diplomatic note is legally binding on the parties.

Ambassador KAMPELMAN. It is. It is totally legally binding on the parties. It was both signed and sealed with the appropriate seals of the respective governments.

Senator WARNER. Do you consider it fully embodied within the treaty? There seems to be some distinction, and I must tell you in all candor I am one who is thinking about a category 3 amendment to the protocol of the exchange of instruments, to make sure if we went that route it would be fully embodied in the treaty and there would be no question about it.

Can you give me the pros and the cons? And perhaps the Secretary? What are the advantages and disadvantages if the Senate were to insist upon a category 3 amendment? It would not have to be renegotiated.

Ambassador KAMPELMAN. Well, obviously if the Senate insists on a category, it will insist on the category. It is my opinion that it is unnecessary to have such a provision adopted by the Senate.

It has its own legal validity. It is real; it is binding; and in my opinion, is unnecessary to have in the form of the category 3 reservation that you are talking about.

Senator WARNER. But there has to be some distinction between a category 3 amendment being affixed to the treaty and this particular diplomatic note just attached in some form.

Ambassador KAMPELMAN. I myself do not see it as a valid distinction. I could see Members of the Senate feeling more secure, perhaps, if they had it as a reservation. I would have to advise you that in my opinion it is equally binding on both parties to have the diplomatic note.

You should understand in connection with this that, to this day, the Soviets do not understand why the issue was raised. It is their impression that this is a fully understood provision between the parties and was from the beginning a fully understood provision between the parties. When the Secretary of State discussed with Foreign Minister Shevardnadze the idea of getting a communication from him, it was sent without any hesitation, and again, the assumption was, I hope this will settle it, to make it clear just what our perception of this understanding is between us.

We then came back to them and said, "Well, we want to raise the dignity of that agreement," so it should go beyond a letter and indeed be a formal diplomatic note which would be authoritatively signed and sealed. We have done that.

Senator WARNER. Let me ask the Secretary, then, Mr. Secretary, would there be any problems encountered if the Senate were to ask for a category 3 amendment to embrace this particular understanding?

Secretary SHULTZ. I think the less complicated, the better, and from my sort of layman's standpoint, the treaty has not been changed. It says what Ambassador Glitman testified to when this first came up, and in response to the questions from the Senate, we have made sure that this is what the Soviets believe.

As I said earlier, we have answered some 1,300 questions, and if every one of them is a category 3 amendment, that will be an awful lot of amendments. So, this is one about which there was a great deal of discussion.

Senator WARNER. But it was mutual, Mr. Secretary, because having participated in the various discussions, I think it was the administration view that this should be clarified, and clarified in the form of a diplomatic note.

Senator DODD. Could I just interrupt for one second?

Has the Supreme Soviet ratified the treaty yet?

Secretary SHULTZ. They have not yet ratified it. And as I said earlier, when I said in Geneva to Foreign Minister Shevardnadze that we had to get these matters cleared up or we would not want to send the treaty to the floor and the Senate would not take it to the floor, he bristled a little and said, "Well, let me tell you that until we get these cleared up satisfactorily, we will not send it to the Supreme Soviet, either."

Senator DODD. Did they express any reservations about the point that Senator Warner has raised; that is, they would prefer that it would not be made a part of the treaty?

Secretary SHULTZ. No, as Ambassador Kampelman testified, they are a little mystified by this issue because they thought it was clear all the way through. But at any rate, there was no problem about getting this set out in the diplomatic note as it was, just as it was no problem some weeks earlier, a discussion I had, and then I had a cable from the Foreign Minister that basically said this.

There was perhaps a translation error there between "armed" and "equipped," as it went from Russian to English, that left people a little bit uneasy, and so this diplomatic note squares it all out, and we used the language here that was agreed to before we went to Geneva with a group of Senators with whom the issue was discussed in order to start knowing that we would settle the issue this way.

Senator WARNER. If I could have 30 seconds just to summarize, Mr. Secretary, again, having participated in the drafting of these informal exchanges between the Executive and the Senate on this subject, I am familiar, but I would not put this issue quite with the other 1,300 questions because it was the subject of intensive hearings three times in the Armed Services Committee, twice in the Intelligence Committee. There was an exchange of letters which led to some misunderstandings between the Soviet interpretation,

United States interpretation, and then when you did embark to go back, as you did, and to get this particular diplomatic note, in the last meeting with the National Security Advisor and others, it was the consensus it was in the interest of the administration as well as the Senate to have it reduced to this form.

And now the question is whether some of us feel it could go a step further so as to remove any doubt whatsoever on the legally binding nature of this important step and incorporate it as a category 3 amendment.

And I just wanted your opinion as to what possible problems might be encountered if the Senate were to take that additional step.

And I think you have answered it.

I thank the chairman.

Senator KERRY. Mr. Chairman, could I just ask a followup to Senator Warner's question, just one quick question as a followup to that?

Would the United States consider it a violation of the treaty itself if the Soviet Union took any action inconsistent with either the agreed minute or the diplomatic note?

Secretary SHULTZ. Yes.

Senator KERRY. And that would be true without any category 3 amendment?

Secretary SHULTZ. Yes.

Senator KERRY. Thank you.

Ambassador KAMPELMAN. That is completely correct. When you say a category 3 amendment, Senator, I think what you are really saying is, you are going back to the Soviet Union and you are saying to the Soviet Union, your commitment in this diplomatic note is something we do not trust, and I am not sure why we want to say that. I do not know how we are strengthened in our sense of security about it. The agreement should be made and will be made an essential part of the record of the proceeding. There are other forms of expression besides category 3 expressions. We already have their signature on the piece of paper. The assumption behind the ratification could be expressed in other ways besides a category 3 amendment.

So, I think that——

Senator WARNER. Mr. Chairman, I would have to reply to my good friend, I think it is just the reverse. We would be saying to the Soviets that this issue is so important because it applies to a category of weapons and we are at the very threshold of the development of all these futuristic weapons, and we do not wish future Presidents or future General Secretaries to have any doubt whatsoever about what this administration and this Senate attach to the significance of this issue, and therefore we elevated it to a category 3 and thereby incorporated it within the body of the treaty as opposed to just the diplomatic note.

So, I would have to take difference with you on that.

I thank the Chair.

The CHAIRMAN. Senator Cohen.

Secretary SHULTZ. It is not an issue as far as they are concerned, what is contained in the diplomatic note. So, if it is incorporated so

to speak, in the treaty, from their standpoint it is redundant. That is, it simply expresses what they understand the treaty to say.

Senator COHEN. Of course, the treaty did not speak to futuristics, and so why the Soviets were mystified is mystifying to me because it does not appear that the futuristics question was ever addressed during the course of the negotiations.

But let me make another statement, if I might, Mr. Secretary. It has been suggested before and——

Secretary SHULTZ. May I just make one comment?

Senator COHEN. It comes out of my time, so let me ask my questions first, and then you can respond without time limitation whatsoever.

It has been suggested that these were mere technicalities, sort of procedural bagatelles, that were being raised by Members of the Senate. I would say to my colleagues that they were technical in nature but they were not mere technicalities. They went to the very heart of our rights and the Soviets' responsibilities under the on-site inspection provisions.

In my judgment, the issues and the disputes that arose following the signing of this treaty would not have been resolved as quickly or as favorably to the United States were it not for the bipartisan consensus about the Soviet interpretation of their responsibilities under the treaty.

I would like to address the issue just quickly about that which Senator Helms has raised. I am not expert enough to come to a judgment as to whether or not there can be a violation of a treaty which has not yet been ratified. I would point out that when we decided to exceed the sublimits of the strategic systems under SALT II, we on this side of the aisle raised the issue saying there was no treaty, therefore there could be no violation. But nonetheless, that is another matter altogether.

But let me come back to the technical issue that under the treaty, as I read this, sea-launched Cruise missiles having a range between 500 and 5,500 kilometers cannot be tested in a mobile, land-based method. I am not getting into anything that is classified at this point, but the CRS has a listing of the SSN-19 range as being in excess of 500 kilometers. That would mean if they have in fact tested the SSN-19 in a mobile land-based mode, the SSN-19 is no longer a SLCM. Under the treaty it would be a GLCM and would be subject to elimination, whether or not the treaty was ratified at the time of the test. Under the terms of the treaty, if the system has in fact been tested at a range which would be within the 500 to 5,500—if we have any history whatsoever that they have tested the SSN-19 at that range—and if it has now been tested in a mobile, land-based mode, it is barred. We would have the responsibility to tell the Soviets that the SSN-19 must be eliminated during the 3-year elimination period and, thereafter, is no longer allowed to be used in their inventory.

So, it is a very technical issue but a very real one irrespective of whether the treaty was ratified at the time because the treaty says if at any time a sea-based system that has the range between 500 and 5,500 is tested in a mobile, land-based mode, that is no longer an allowed system.

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So that is a very technical issue which ought to be addressed and not minimized by discussion of whether the treaty has been ratified or not. I think it is a separate independent issue.

I would like to turn to item No. 4 in the agreed minute which really was the substance of one of the major points of disagreement between us and the Soviet Union. You have talked this afternoon about the resolution of the fact that anything coming out of the Votkinsk plant that is between 14 and 19.32 meters would be a violation. That is clear from the understanding. They cannot ship anything out of that plant with that length.

We have talked in terms of length, however, and we have not talked in terms of diameter. The treaty, as it is written, talks in terms of dimensions. I assume dimensions includes diameter as well as length, because otherwise you could have something which falls within the length parameters but could be much wider. They would say we are talking about length, not about dimensions. I think that issue ought to be clarified.

I have another question about item 4 as to whether we have given up the right to weigh the items or the vehicles coming out of Votkinsk that may be longer than 14 meters but shorter than 19.3 meters. Under the inspection protocol, section 9, subsection 12, we have the right to weigh. There is nothing in this testimony that I have heard about weight, we keep talking about length and not weight, and I think that has to be clarified, whether we have given that up by this new negotiation.

And a final question, Mr. Secretary.

Are you writing a book? [Laughter.]

The CHAIRMAN. Senator Quayle.

Senator QUAYLE. Are you going to answer?

Secretary SHULTZ. It was not a question, it was a bunch of assertions, but maybe Mike would go through it.

Senator COHEN. You do not have to take the time at this point, Ambassador Glitman. We have a hearing coming up at 5:30 in the Intelligence Committee, but I think these are the types of issues that remain, and they are technical in nature, but they are very substantive, and I hope that we can resolve those.

If there are other members on the Foreign Relations Committee that are interested in this, then I would hope we could address it now, but I am prepared to have you discuss it in some detail in the Intelligence Committee.

Ambassador GLITMAN. I think that would be preferable. We will have the opportunity and framework to go into some of the history of the negotiations, how we got to this point and so on, and it will be very helpful that way.

Senator COHEN. Put please look at that Evans and Novak story about the testing on a mobile land-based system because that, per se, would constitute classifying the SSN-19 as a GLCM and not a SLCM, and then we would be able to tell the Soviets they cannot have it in their inventory.

Senator DODD. That is a question I think I would like to have the answer to, at least that one question. The other stuff I think you may have to get into some classified information, but on that one alone——

Senator KERRY. As you do, I wonder if you would put it in the context I asked earlier, if there were any outstanding issues that remain with respect to this. It seems to me that they are in opposition to the statement they said there were not. Maybe this is not an issue that is outstanding.

Ambassador GLITMAN. I do not think it is an outstanding issue. What we were talking about in Geneva were essentially possible differences of interpretation of the treaty, and we have resolved all those. I do not believe there are any more differences of interpretation. Some of them it turned out were semantic or linguistic, and when we get into the other session, I will explain some of those. This does not fall in that category.

Here is a question of there is no disputing what the treaty says on this issue, and it is in article VII, paragraph 11. And it says a Cruise missile, which is not a missile to be used in a ground-based mode, shall not be considered to be a GLCM if it is test launched at a test site from a fixed land-based launcher which is used solely for test purposes and which is distinguishable from GLCM launchers. That is the criteria. If we find—and this is something that will have to be discussed in a closed hearing—that what we know of this particular system fits that definition, and we all know what we mean by it has to fit all the categories that we have been through, criteria, and especially the range, then we would have a compliance problem here.

But as the Secretary said in his comment, we are not sure which missile this is yet.

Senator COHEN. What about the book, Mr. Secretary?

Ambassador GLITMAN. He asked you about the book, Mr. Secretary.

Secretary SHULTZ. Book? What book? I am in favor of books. I have written quite a few. And I think books that try to dig into the process of government and how it works and understand it better and so on are important, if you are up to it, and I believe that to take two examples, Dean Acheson's book "Present at the Creation" is a real contribution to our understanding, and I think Henry Kissinger's two volumes which are genuine works of scholarship are also great contributions.

I think the kind of writing that comes under the heading of kiss and tell that gets churned out is not a contribution, and I do not plan to write such a book. If I aspire to anything, it would be something of a more serious matter. The criteria I always use on things that I write are does it satisfy me as something worthwhile that might last a while?

Senator KERRY. Mr. Secretary, you wrote a book suggesting a plant closing of up to a year. We thought that was a great contribution.

Secretary SHULTZ. Well, I have had a lot to do in my way back when I was in the industrial relations business and labor relations business, of dealing with plant closings, and as a matter of fact, I was cochairman with Clark Kerr of the Armour Automation Fund Committee, and that was the problem we were dealing with was what to do when these meat packingplants in various cities were closed, and how to deal with the workers' problems and the com-

munities problems and so on. I have done a great deal of work on that subject.

The CHAIRMAN. Thank you very much.

Senator Quayle.

Senator QUAYLE. Thank you, Mr. Chairman.

I do not want to get into plant closing or voluntary notification. That is what the Secretary's book I am sure was about, about how it ought to be corporate ethics and we had a standard to give that kind of notice. I am sorry I have not read it, but I am certain that that is what it is about, and if you follow his lead in his book, you will be all right.

Let me take you back to a duller subject, futuristics. I want just to nail it down finally where we are. Can a weapon be something other than a warhead? The definition that we now have is that a weapon is something that is designed to damage and/or destroy. We are going to leave it at that, but what constitutes "damage"? Aren't we going down a definitional road that is a never-ending process?

Secretary SHULTZ. Yes, that is the objection.

Senator QUAYLE. And I am also correct that in this diplomatic note of exchange, that there are certain nonweapon systems that would in fact be permissible, even if they were Cruise missiles in the INF range?

Is that also part of this definition?

Secretary SHULTZ. Yes, that is part of it.

Senator QUAYLE. So, we basically have a definition of what a weapon is, something that damages and destroys. That is a definition. And we also have an understanding that there are certain nonweapon Cruise missiles that would be in that range that would be allowed, and the Soviets fully understand that.

Secretary SHULTZ. I am just reading a sentence here on the second page of the diplomatic note. It is also the position of the United States that the United States and the Soviet Union share a common understanding that the treaty does not cover nonweapon delivery vehicles.

Senator QUAYLE. So, basically what we are doing in this diplomatic note or exchange is tying down as much as we can in definitions?

Secretary SHULTZ. Yes. And affirming the common understanding about what is covered.

Senator QUAYLE. By defining what a weapon is, and we have defined for compliance purposes what a weapon is.

Secretary SHULTZ. We have defined it in this note.

Senator QUAYLE. Would that be for compliance purposes?

Secretary SHULTZ. Yes.

Senator QUAYLE. According to Ambassador Kampelman, you are saying it would have the same legal effect as if it would be part of the treaty, but that it might serve our purposes to go ahead and incorporate it in the treaty along the lines of what Senator Warner was saying, since it is just definition?

Secretary SHULTZ. I believe what I said, but the record would show, is I think the question was what would the Soviet Union's reaction be, and I said I think they would feel it was redundant in the sense that they have been a little mystified about this issue,

and it has not been any problem at all to find them ready to agree to what we had said out. Yes, that is what we understood.

Senator QUAYLE. Yes, I have sensed that they have been willing to go ahead and to enter into, now we have this diplomatic note, to banning some of the future systems as defined by weapon. I think the trouble was to try to get that definition of what a weapon was. There was somewhat of a common understanding of what a weapon was, but it is very difficult other than the testimony, looking at a dictionary, looking at a military dictionary. I mean, there's all sorts of different definitions.

I remember spending about 3 hours with my staff one afternoon just going through a definition just from a generic sense of a weapon. But we have that nailed down now. We have that.

And I think we are probably at the point where you look at this defining "damage," which will be very difficult to do, and you have a host of verification problems, but I suppose that we are at a point where we really need to have somewhat of a leap of faith to say look, here are the definitions that we have in the treaty, you are not going to be as specific as some would like because you could keep going down this definitional road, and that we are at this point that you have defined weapon. It is accepted by the Soviet Union. It is binding on the Soviet Union and therefore let us conclude this matter even though leaving the issue now will force us to take a leap of faith.

The CHAIRMAN. Excuse me. I must interrupt. There is a rollcall vote going on. The second bell has rung.

Secretary SHULTZ. I think that what we have is a note that tries to pin down the questions that were raised, and you participated very strongly in showing the nature of the problems that should be addressed, and this was negotiated out on the basis of language that was worked through with interested Senators before we went to Geneva.

So, we have assumed that this would be satisfactory.

Senator SARBANES. Mr. Secretary, let me put a very quick question to you because we have to leave to vote.

You said you detected they were perhaps suffering some heartburn on this treaty.

Do you have any sense that the Soviets might want out of this treaty if they could find a way to get out whereby the responsibility was placed on the United States?

Secretary SHULTZ. No, I do not think so. I think they want to see it go into effect.

The CHAIRMAN. Thank you very much indeed.

Again, apologies for being late. Thank you for being with us and being so responsive in your testimony.

Secretary SHULTZ. Thank you, Mr. Chairman.

[Whereupon, at 4:47 p.m., the committee recessed.]

APPENDIX

MEMORANDUM FROM SENATOR HELMS

TO: ALL SENATORS
FROM: SENATOR JESSE HELMS OF NORTH CAROLINA
RE: UNCLASSIFIED AND OPEN SOURCES OF SS-20 ESTIMATES
March 28, 1988

SUMMARY

On March 21, an analysis of open-source discrepancies in the estimates of Soviet SS-20s produced was distributed to all Senators. Subsequently, the assertion was made that the analysis and attached chart revealed or confirmed code-word sensitive data. The fact is that neither the analysis nor the chart contained code-word sensitive data, and was based entirely on authoritative open testimony, official (unclassified) letters from the White House, the Secretary of State and the Director of Central Intelligence, unclassified DOD documents, and press accounts going back as far as 1976. The analysis and the covering letter clearly labelled the estimates as those "appearing in the public press" and "in open testimony." No suggestion was made that the estimates given were the actual estimates. Each Senator can decide for him or herself whether the unclassified numbers are accurate enough for public discussion of important public issues. It was highly inappropriate for one Senator to characterize unclassified numbers as identical to classified numbers, whether such a characterization was correct or incorrect. That is why I took strong exception to the Senator's declaration that the data in my analysis "are assessments that we heard at the time of code level" and that they were "figures...given in that session." My analysis was carefully drawn to avoid confirmation, but to allow public discussion. Classification is intended to protect sources and methods, and not to stifle public debate of national security issues.

INTRODUCTION

The unclassified description of concealed SS-20 missiles and accompanying chart was discussed on the Senate Floor on March 4, 1988, by Senators Symms and Wallop, in the course of debate of a Symms-Wallop-Helms amendment relating to the Soviet covert SS-20 force. Attached is the Congressional Record debate, in which assurances were given by the proponents that no classified material was involved--assurances that were accepted by the Chairman and Vice Chairman of the Intelligence Committee. (See enclosure #1)

The analysis and accompanying chart were first released publicly on February 8, 1988. It was the subject of a story in Diario Las Americas on February 9, 1988, attached. (See enclosure #2) It was also released to the press on February 9, 1988, in Concord, New Hampshire, after a speech on the INF Treaty given on that date. (See enclosure #3.)

A. Official Unclassified Sources for SS-20 Estimates and NIEs.

1. An unclassified CIA estimate provides evidence for over 450 SS-20 launchers. Attached is an excerpt from "Soviet Strategic Force Developments, " which was testimony before a Joint Session of the Subcommittee on Strategic and Theater Nuclear Forces of the Senate Armed Services Committee and the Defense Subcommittee of the Senate Committee on Appropriations, June 26, 1985, by Robert M. Gates, then the Deputy Director of CIA for Intelligence. This official unclassified source stated: "The SS-20 force of intermediate-range ballistic missiles is expected to expand to over 450 deployed launchers by 1987." (See enclosure #4. This testimony was reported in the press to be the declassification of the NIE.)

2. The Defense Department's annual official unclassified publication Soviet Military Power from 1981 through 1987 also provides authoritative official unclassified estimates of SS-20 production. First, Soviet Military Power 1984 states that "each SS-20 unit is assessed to be equipped with refire missiles--one per launcher." (See enclosure #5.)

3. Combining these two pieces of CIA and DOD official unclassified data, we can easily arrive at an official unclassified SS-20 production estimate of about 900 to 950. This result is achieved merely by multiplying 2 times the 450 SS-20 launchers estimated, and adding another fifty for approximation.

4. Second, Soviet Military Power 1984 states that "The number of deployed SS-20 launchers could increase by at least 50 per cent by the late 1980s." (See enclosure #6.) The same document stated that there were then 378 SS-20 launchers. Multiplying 50% of 378 and adding it to 378 yields 567 SS-20s estimated by the late 1980s. Multiplying this estimate by 2 for refires makes 1,134 SS-20s. This is approximately 1,200.

5. Third, by another method we can arrive at 1,000 to 1,200 SS-20s. Totalling up SS-20 production from all Soviet Military Power editions yields totals of between 1,000 and 1,200, assuming series production began in 1975. Indeed, there are two references to Soviet production of 1,000 LRINF missiles from 1976 through 1986. (See enclosure #7. This Department of Defense series is thoroughly coordinated within the Intelligence Community, and thus it can be regarded as an unclassified NIE.) One further piece of data is assumed for these estimates--that no SS-4s and SS-5s are included in these production estimates, which is reasonable because these systems were being deactivated beginning about 1970, according to open sources. Thus the only "LRINF missile" system being produced in this 1975-1986 period was the SS-20.

6. In sum, using three official unclassified methods and official unclassified estimates and data, we can arrive at authoritative SS-20 production estimates of about 900 to 950 or about 1,000 to 1,200.

7. The purpose of classification is to protect intelligence sources and methods. If official unclassified SS-20 production estimates range from about 900-950 to 1,000-1,200, then any lower estimates should be regarded as "sanitized." Any SS-20 estimates lower than these official unclassified estimates should not be considered classified, because they are transcended by higher official unclassified estimates. Thus lower estimates would not reveal sources and methods if higher official unclassified estimates exist and do not reveal sources and methods. Conversely, any higher estimates might be equally unclassified, if derived from open sources.

8. The attached December 23, 1987 unclassified letter to me from the White House establishes the fact that specific National Intelligence Estimates can be referred to in public, even by identification number, because the letter refers to "National Intelligence Estimate 11-3-8-87." (See enclosure #8.) Moreover, the attached unclassified letter to me of January 25, 1988, from CIA Director Webster also refers to "a recent draft of Volume II of National Intelligence Estimate 4/11-88," also using the identification number. (See enclosure #9.) A book entitled The Soviet Estimate, by John Prados, was published in 1982 describing many NIEs in great detail, and attached is a relevant chart extracted from the book. (See enclosure #10.) Thus, in sum, it is possible to discuss NIEs and draft NIEs in public, especially if no identifying NIE numbers are used. My chart did not use NIE identification numbers.

B. Unclassified Sources For Specific Estimate of 2,250

1. According to an authoritative 12 year old press account written

by a former Assistant Secretary of Defense, there were "about 1,200 SS-20s now being produced in Soviet factories" in 1976. Given later deployment during the execution of the 1976-1980 Five Year Plan of what turned out to be about 220 SS-20 launchers, it seems reasonable to associate about 220 SS-20 launchers with the production of 1,200 SS-20s. There seemed to be a ratio of production of 5 SS-20 missiles for each SS-20 launcher. If about twice as many SS-20 launchers were later deployed, including another 220 in the subsequent 1981-1985 Five Year Plan for a total of about 441 SS-20 launchers, then it would seem reasonable to associate another 1,200 SS-20s with this increment, or a total of about 2,400 SS-20s. Alternatively, 5 times 441 is 2,205 SS-20s. The estimate of 2,250 is an approximate compromise between these estimates of 2,205 and 2,400. Boston Globe, September 5, 1976, "Soviet Mobile Missile Worries US." (See enclosure #11. Note also that this press report is consistent with and supports current DIA unclassified estimates of 1,200 SS-20s produced.)

2. According to the authoritative Heritage Foundation, there are up to five SS-20s for each SS-20 launcher. Using the CIA estimate of 450 SS-20 launchers, this would make 2,250 SS-20s produced. Arms Control Handbook, The Heritage Foundation, 1987. (See enclosure #12.)

3. According to another press report, "Equally disconcerting to U.S. policy makers is the strong indication that for each SS-20 launcher, the Russians are now believed to have up to five missiles..." Combining this information with the CIA estimate of 450 SS-20 launchers also yields 2,250 SS-20s. New York Post, June 9, 1983, "'Lost' Red Missiles." (See enclosure #13.)

4. According to another press report, "...The SS-20 force is much bigger than anyone has publicly recognized and consists of 2,205 missiles..." New York City Tribune, November 17, 1987, "1977 Spy Data on SS-20s Cast Shadow Over INF Talks." (See enclosure #14.)

5. According to another press report, "But if the ill-fated Boris--a spy for America on the Soviet General Staff who was caught and executed in 1979--was accurate in his reporting to the CIA in 1976, and the SS-20 units were designed to consist of five missiles per launcher, the Soviets now have at least 2,205..." New York City Tribune, November 18, 1987, "INF Talks Grow Shaky as Concerns Over Missile Verification Mount in Washington." (See enclosure #15.)

6. According to another press report, "The Soviets are thought to have produced around 2,300 SS-20 missiles." Washington Inquirer, December 18, 1987, "Treaty Signed--Cheating Begins." (See enclosure #16.)

7. According to another press report, there were 2,250 SS-20s produced. New York City Tribune, December 1, 1987, "Soviet Admissions of Missiles Moscow Hid Shake Confidence of U.S. in Verification." (See enclosure #17.)

8. According to another press report, "The Soviets are thought to have produced around 2,300 SS-20 missiles..." New York City Tribune, December 8, 1987, "Soviet Ploy to Circumvent INF Pact Began with Secret Bases 2 Years Ago." (See enclosure #18.)

9. According to another press report, "...a U.S. spy in the Soviet Union said Moscow planned five missiles for each launcher." The Washington Post, December 16, 1987, "U.S. May Have Miscounted Some Soviet Missiles." (See enclosure #19.)

10. According to another press report, "The Defense Intelligence Agency...estimates total SS-20 production at 2,250 operational, refire, test and training missiles..." The Washington Times, December 2, 1987, "Medium-range Missile Count Put at 2,000 By the Soviets." (See enclosure #20.)

11. According finally to one press account: "This has led the DIA to estimate the SS-20 count to be around 1,000, with other estimates based on Soviet plans for four refires of 2,250." New York City Tribune, January 27, 1988, "Helms and Shultz Are In High Stakes Duel Over Verifiability of Pact, Missile Numbers." (See enclosure #21.)

C. Specific Unclassified Sources for July 1987 NIE and January 1988 Draft NIE DIA Estimates of 1,200

1. According to one press report, "...the DIA believes the Soviets have produced between 1,000 and 1,200 SS-20s." The report went on to describe "a draft intelligence estimate now being debated among U.S. analysts." The article further stated that the debate "forced a delay in the release of a national intelligence estimate, an interagency report that was scheduled for completion last week." The Washington Times, February 1, 1988, "Spy Agencies Disagree on Number of SS-20s." (See enclosure #22.)

2. According to another press report, "Last July...DIA figured 1,200 ...Just last month...DIA stuck with 1,200." Both of these DIA estimates were described in the context of "The 'national intelligence estimate'." The Wall Street Journal, February 3, 1988, "Crimson Whales, Contd." (See enclosure #23.)

D. Specific Unclassified Sources for July 1987 NIE and January 1988 Draft NIE Majority Assessments of 950

1. According to one press report, "The Defense Intelligence Agency has resisted efforts to modify the position of a July intelligence estimate that lists the number of SS-20s at 950 missiles...The figure is the agreed estimate that was derived from a compromise between lower estimates by the State Department and CIA and a higher DIA figure...According to the officials, a draft intelligence estimate now being debated among U.S. analysts states that the Soviets have produced 950 SS-20s...The differences among State Department, Pentagon, and CIA analysts over the number of SS-20 missiles have forced a delay in the release of a national intelligence estimate, an interagency report that was scheduled for completion last week." The Washington Times, February 1, 1988, "Spy Agencies Disagree on Number of SS-20s." (See enclosure #22.)

2. According to another press report, "The 'national intelligence estimate,' a consensus view, is 950." The Wall Street Journal, February 3, 1988, "Crimson Whales, Contd." (See enclosure #23.)

3. According to unclassified, open testimony before the Senate Committee on Armed Services on January 25, 1988, the Chairman of the Joint Chiefs of Staff, Admiral Crowe, stated that the Soviets had "300" more SS-20s than the 650 that the Soviets declared in the INF MOU. Admiral Crowe implied that this estimate of 950 SS-20s was a DIA estimate, but the Admiral went on to suggest that DIA believed the Soviets had a covert SS-20 force of "580," implying a DIA estimate of 1,230 SS-20s. Defense Secretary Carlucci seemed to clarify this discussion by implying that the 950 SS-20 estimate was the NIE best estimate. (See enclosure #24, SASC tesimony.)

4. According to another press report, "Mr. Helms said classified Defense Information Agency data indicate the Soviets could have up to 300 more medium range missiles than the 650 they say they have." The Washington Times, January 29, 1988. This was a seriously erroneous press story, and the next Monday, The Washington Times ran a "Correction" which stated: "The Times reported in Friday's editions that Sen. Jesse Helms disclosed classified information during a Senate Foreign Relations Committee hearing. This was incorrect. Mr. Helms was citing unclassified information from the Defense Intelligence Agency when he charged there were discrepancies among U.S. estimates on the number of Soviet medium range missiles covered by the INF treaty." (See enclosure #25.)

E. Specific Unclassified Source For State/INR Estimate of 840 Plus

1. Unclassified letter from Secretary of State Shultz to me, May 13, 1987, page 3. The letter states: "...in addition to the approximately 440 SS-20 missiles now deployed, there may be as many as 200-400 (or more) such missiles in the U.S.S.R.'s inventory." (See enclosure #26.)

F. Specific Unclassified Source for State/INR and CIA January 1988 Draft NIE Estimate of 700

1. According to one press report, "The State Department and CIA initial estimates of the total number of SS-20s, officials said, were revised last fall from a number below 600 to about 700..." This information was in the context of the description of "a draft intelligence estimate now being debated among U.S. analysts..." (See enclosure #22.)

2. According to another press report, "Just last month, however, the CIA and State Department reached new estimates of 700..." This information was described in the context of "The 'national intelligence estimate.'" (See enclosure #23.)

G. Specific Unclassified Source for State/INR and CIA July 1987 NIE Estimate of 550

1. According to one press report, "Last July the CIA and the State Department estimated the Soviets had 550..." This information was described in the context of "The 'national intelligence estimate.'" (See enclosure #23.)

2. According to another press report, "The State Department and CIA initial estimates of the total number of SS-20s, officials said, were revised last fall from a number below 600 to about 700." (See enclosure #22.)

[Enclosure No. 1]
CONGRESSIONAL RECORD--MARCH 4, 1988

Nickles	Roth	Stevens
Nunn	Rudman	Symms
Pressler	Sarbanes	Trible
Proxmire	Sasser	Wallop
Pryor	Shelby	Warner
Quayle	Simpson	Weicker
Reid	Specter	Wilson
Riegle	Stafford	Wirth
Rockefeller	Stennis	

NOT VOTING—17

Adams	Durenberger	Packwood
Biden	Fowler	Pell
Chiles	Gore	Sanford
Cranston	Heinz	Simon
DeConcini	Inouye	Thurmond
Dole	Kasten	

So the nomination was confirmed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nominee was confirmed.

Mr. METZENBAUM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominee.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE OVERSIGHT ACT

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, I wonder while Senators are on the floor if we can get some understanding from the managers as to how they see the situation developing for the rest of the afternoon on the intelligence authorization bill.

I yield to the distinguished Senator from Maine.

Mr. COHEN. Mr. President, I thank the majority leader for yielding.

I would have to say the agenda is quite murky at this point. We believe that Senator HELMS will be sending an amendment to the desk momentarily.

I retract that. I believe Senator SYMMS has an amendment to offer to the pending measure which would pertain to identification of SS-20 missiles. I am not sure how long that will take. Perhaps a short period of time.

Then Senator HELMS has a rather controversial measure which would be sent to the desk, which would take a considerable amount of time.

Mr. BYRD. I wonder, before I yield the floor, if the Senators would be agreeable to time agreements.

Mr. SYMMS. Mr. President, if the Senator will yield, I think after my amendment is read and we have a brief discussion of it, it may be that the leader will wish to set this over and vote on it next week, though I cannot say that for sure at this time. In order to do justice to this amendment, we will have to have a closed session, and whether the leader wants to do that this afternoon or when we come back, I do not know.

I can send the amendment to the desk and let the clerk read it, have a discussion, and the leader can then direct what we will do, or I can read it myself.

Perhaps the leader can give us direction.

Mr. BYRD. I would like for us to be able to proceed as expeditiously as we can, hoping to complete action on the bill this afternoon, at least on the amendments thereto.

The Senator may proceed.

—AMENDMENT NO. 1438

(Purpose: To provide that the Senate shall not consider in Executive Session and proposed Treaty Between the United States of America and the Union of Soviet Socialist Republics Concerning Intermediate-range Nuclear Forces unless and until the President certifies that the Soviet Union has provided accurate data regarding the size and composition of its SS-20 missile force)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 1438.

Add at the end of the bill the following new section:

"SEC. . (a) FINDINGS.—1. The Senate finds that a substantial discrepancy exists between various United States intelligence estimates of the number of SS-20 missiles possessed by the Soviet Union and the number of missiles reported by the Soviet Union to the United States pursuant to the Memorandum of Understanding to the proposed Treaty Between the United States of America and the Union of Soviet Socialist Republics Concerning Intermediate-Range Nuclear Forces (hereinafter the "INF Treaty") and that such discrepancy could indicate a covert Soviet SS-2 missile force of 300 to 850 SS-2 missiles carrying 900 to 1650 high-yield nuclear warheads.

2. The Senate finds further that, unless the present discrepancy is satisfactorily clarified, the United States could put at jeopardy its supreme national interest, its 300,000 troops stationed in Europe, and the security of NATO by ratifying the proposed Treaty and thereafter, pursuant to such Treaty, eliminating its own deterrent INF forces based in Western Europe.

(b) Taking account of the findings made in this Section, it shall not be in order for the Senate to consider the proposed INF Treaty in Executive Session unless and until the President of the United States has certified to the Senate that the Senate can rely with confidence on the accuracy of the number of SS-20 missiles reported to the United States by the Soviet Union."

The PRESIDING OFFICER. The Chair would appreciate it if there could be some order in the Senate so the Senator might be heard.

Mr. SYMMS. Mr. President, I have a chart which will be put up in the back of the Chamber, and I have a few copies that Members can pick up if they wish to look at it. It is an unclassified chart which shows the range of assessments on concealed SS-20 missiles compared to the Soviet declared number under the INF Treaty. The chart is unclassified, and all of the remarks I will make in open session are unclassified. The chart and my remarks are based upon the following unclassified sources: one, "Soviet Military Power", Defense Department; two, Admiral Crowe's open testimony; three, press reports from many media; four, unclassified letters; five, the INF Treaty Memorandum on Data.

From this unclassified chart, it is clear that press reports show that the national intelligence estimate of 950 SS-20's exceeds the Soviet number by 300 missiles. This unclassified number must be considered a covert force which may be deployed or undeployed. We have to consider this.

Mr. President, before I go on with these unclassified remarks, I want to make clear with the chairman of the committee, the ranking Republican, and the majority leader that I intend to offer this amendment on this bill. I do not intend to offer it and withdraw it later. I want it on this bill.

Mr. ARMSTRONG. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate will wait until there is silence in the Chamber. We will not proceed until there is that silence.

We are not proceeding until there is total silence.

The Senator may proceed.

Mr. SYMMS. First, Mr. President, the Soviets declared that they had a maximum of 650 SS-20 missiles as of November 1, 1987, when they signed the INF Treaty on December 8, 1987. This is the total number of SS-20's that the Soviets are obligated to eliminate under the INF Treaty. The 650 number comes from the INF Treaty Memorandum of Understanding on Data, which the Senate declassified.

Under the terms of the treaty, this number of 650 is supposed to represent the total number of SS-20's ever produced and still in the hands of the Soviets.

Second, many recent press reports have stated that, in the National Intelligence Estimate of July 1987, the State Department Intelligence and Research Office and the CIA both made an estimate of the total SS-20's produced that was below the Soviet supplied number of 650. The State-CIA number was reportedly 550 SS-20's, 100 less than the Soviets declared on December 7 and December 8.

This State-CIA underestimate severely discredits the methodology of estimating used by State and CIA.

Third, Mr. President, according to various press reports, in the current draft of the National Intelligence Estimate of January 1988, the State-CIA estimate, has reportedly now been raised to 700. With the raising of the SS-20 estimate to 50 missiles above the Soviet-supplied number of 650, it became possible for the State Depart-

ment to declare publicly that the Soviet-supplied number of 650 was "within the range of our uncertainties."

Indeed, this may be a true statement of the State-CIA range of uncertainties. But what is not made clear by the statement is the fact that with the severity of the State-CIA error in estimate, their methodology of estimating should be rejected along with their estimates.

Fourth, further evidence of the unreliability of the State estimates is that the State declaration on May 13, 1987, that there could be 840 or more SS-20's. This public estimate flies in the face of the reported secret State-CIA estimate of only 550 SS-20's which then was classified. Thus the State Department was publicly much higher than their then-secret estimate, another anomaly further discrediting the State Department estimative methodology.

Fifth, according to press reports, in the July 1987 NIE the majority of the intelligence community, that is, the four military service intelligence departments, plus the National Security Agency, all estimated that the Soviets had at least 950 SS-20's. This was the NIE best estimate, agreed to by the majority of the intelligence community. This judgment is reportedly repeated in the current draft NIE of January 1988.

That is a discrepancy of over 300 missiles, to put that into perspective, which is a significant imbalance that could be reflected right now in Western Europe, once we go through with the INF Treaty.

According to press reports, both the July 1987 and the current draft NIE of January 1988 reportedly contained an estimate by the DIA of 1,200 SS-20's produced. This estimate is reportedly based upon solid evidence.

Mr. BOREN. Mr. President, I wonder if the Senator will yield for a question.

Mr. SYMMS. I yield without losing my right to the floor and yield only for a question. I would be happy to yield for a question.

Mr. BOREN. Mr. President, I wish to ask my colleague a question. Referring to the National Intelligence Estimates, is the Senator referring to public comment from publications alleging the National Intelligence Estimates? I want to ask my colleague, he is not purporting to speak from classified sources in open session, is he?

Mr. SYMMS. This is all unclassified, what I am saying now.

Mr. BOREN. Could the Senator make that clear by citing the source? Because I think it would be very unfortunate if the implication were given that these were direct quotations from National Intelligence Estimates that have not been declassified.

Mr. SYMMS. These are from press statements that are public information, and it is unclassified is what I am saying. I repeat, the chart is unclassified, and all of my remarks here in open session are unclassified. The unclassified chart and my unclassified remarks are based upon the following unclassified sources: First, "Soviet Military Power," Department of Defense; second, Admiral Crowe's open testimony; third, press reports from many media; fourth, unclassified letters; and fifth, the INF Treaty Memorandum of Understanding on Data.

Mr. BRADLEY. Will the Senator yield?

Mr. SYMMS. In open testimony before the committee Admiral Crowe made one statement that that was the estimate.

Mr. BOREN. So the Senator is not alleging that the National Intelligence Estimates actually state figures——

Mr. SYMMS. No. What I am saying is that in order to debate this in full, I would agree with the chairman, the Senate must go into a closed session and then we can verify these press reports and these things that have been stated in public in a closed session.

Mr. BOREN. So the Senator is quoting from public sources——

Mr. SYMMS. Public sources only, some of which are official U.S. Government official unclassified sources.

Mr. BOREN. Which give their own rendition of what National Intelligence Estimates state? He is not quoting directly from National Intelligence Estimates; is that correct?

Mr. SYMMS. No. I am quoting from statements that have been publicly stated that are unclassified.

Mr. BOREN. I thank the Senator.

Mr. COHEN. Will the Senator identify the public statements?

Mr. SYMMS. One was from Admiral Crowe before. I think it was the Senate Armed Services Committee.

Mr. COHEN. I do not believe Admiral Crowe gave any indication of 900 warheads or 300 missiles.

Mr. SYMMS. That was from my own estimate. There are 3 warheads on each SS-20 and if, in fact, as these statements have been made, there are 300 unaccounted for SS-20's above the 650 the Soviets declared, then that would be 900 warheads that could be possibly hidden. That is my speculation.

Mr. COHEN. I gather from the Senator's statements that the Senator was citing the NIE as supporting that particular figure and that is not correct. Am I correct that the Senator is not citing the National Intelligence Estimates for the source of 900 warheads?

Mr. SYMMS. What I am doing is just simply multiplying the fact that if, in fact, as Admiral Crowe said publicly before our committee, that there possibly are 300 more SS-20's than we think there are, then I am saying that with 3 on each SS-20, that is 900.

Mr. COHEN. The Senator is citing Admiral Crowe?

Mr. SYMMS. That is not a classified number. That is public knowledge. That has been reported widely in the news media, in the Washington Post and other newspapers, the Washington Times.

Mr. COHEN. The Senator is not citing the Washington Post and the Washington Times as authority for——

Mr. SYMMS. No. Let me finish my statement and then we can discuss this further. I will be happy to answer questions.

Sixth, according to various press reports, both the July 1987 and the current draft of the NIE of January 1988 reportedly contained an estimate of the DIA of 1,300 SS-20's produced. This estimate reportedly is based upon solid evidence. Seventh, we have the estimate of 2,250 SS-20's produced, which is based upon analysis of reported evidence of SS-20 production and deployment under two Soviet 5 year plans, 1976-80 and 1981-85. This estimate may be the estimate most soundly based in terms of methodology and evidence. Mr. President, Senator HELMS stated publicly that press reports indicate that the majority of the intelligence community believes in the NIE that the Soviets produced at least 300 more SS-20 missiles than they have claimed in the INF memorandum of understanding. There may be as many as 1,600 more SS-20's than the Soviets declared.

Now, the chairman of the Committee on Foreign Relations publicly released a statement apparently by Ambassador Kampelman which said, and I quote: "The Helms statement is incorrect, the majority of the national intelligence community does not support the view that the Soviets withheld a number of SS-20's. All data will be reviewed in the updated memorandum of understanding and verified through the onsite inspection. The DCI, speaking for the entire intelligence community, has said that the Soviet data of the memorandum of understanding falls within the intelligence community estimates."

Now, Mr. President, the Kampelman statement released publicly by the distinguished chairman is not entirely accurate, but I can correct the record on this highly important issue only in a closed session. That is the entire point. So I just think that if we are going to proceed on this amendment—this chart is unclassified, and Senators may look at this—we need to go into a Codeword Session. These have been released figures. I just go across where these come from to help answer the question of my colleague from Maine. The 500 SS-20's are the State-INR, CIA, NIE of July 1987, reported in the press. That is unclassified; the draft NIE, January 1988. This was also reported in the press. My colleagues can look across here at where these come from. Unclassified letter to Senator HELMS, the majority assessment, majority assessment in 1988, reported in the press, the DIA-NIE, and so forth.

But in order to really discuss this, which can be verified, we need to go

are cited in our deliberations. There was a circular type of situation. I did not suggest the Senator from Idaho leaked anything and do not.

Mr. WALLOP. I thank the Senator from Maine. I did not want that to go in any way unremarked.

But I would say this: We are talking about hearings on the INF Treaty and things that are going to take place, and we will be able to know about it sometime in the future, and that thorough investigations will be made. But I would say about this bill that there has been only one public hearing, Mr. President, and that was in December while the rest of us were engaged in the frantic effort to clean up the mountain of the continuing resolution, the reconciliation bill, et cetera. With only two secret hearings, and one public hearing, this bill was passed out without much knowledge of anybody in the Senate.

I might add, I think it was irresponsible that it was not referred to the Senate Armed Services Committee and to the Senate Foreign Relations Committee, a portion of whose turf is simply eliminated in this bill.

So if we are to be criticized for asking for consideration of something that is not quite directed to the bill, I think we do it because part of what we see in the bill that lies in front of us. For instance, Foreign Assistance Act is the domain of the Senate Foreign Relations Committee. A portion of the Foreign Assistance Act is repealed by this bill. The Foreign Relations Committee has not had hearings on it.

So for us to bring up—and I say "us" because I am a cosponsor of the Senator's amendment—an amendment of this nature is not an abuse of the system of the Senate, but is an expression of the anxiety that we feel that some of us are being cut out of the process in learning and debating of things of real moment and content to the Senate of the United States. And a closed session of the Senate at the code word level would demonstrate the validity or the falaciousness of the reported intelligence estimates that have been in the papers and in the press which cause and give rise to the concern the Senator from Idaho expresses.

Let me just say I agree with the Senator from Maine. Sure, here is another example of what we do. But I would say to the Senator from Maine I have sat through many long debates on amendments of his, arms control amendments to the armed services authorization which were really no more relevant or irrelevant to the legislation in front of us than this amendment here tonight. It is 4 o'clock in the afternoon, but it is an important issue, and it is important that America knows that not everything we have been hearing with regard to the INF Treaty is as comfortable as some would have it through their public statements and observations about that treaty.

This is a matter that concerns the Senate, and the Senator is well within his rights to raise it as an issue on an intelligence bill.

Mr. COHEN. If the Senator will yield, there is no question he is well within his rights. The Senator from Maine was simply trying to point out that this is at the very least premature in terms of discussion of the relative accuracy of various estimates at the time when almost half of our colleagues—if you really want to have a discussion have it during the time when most of our colleagues are present—most of them, are in the process of leaving at this point. It is called up at 4:20 in the afternoon before a major recess.

All I am simply indicating is this is hardly the time to leave a fullblown top secret code word clearance discussion in closed session of the U.S. Senate if you are really serious about educating our colleagues about the accuracy or inaccuracy of various intelligence matters.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming still has the floor.

Mr. WALLOP. Had the Senator heard the opening statements of the Senator from Idaho, and I grant him there was, as there often is, a lot of commotion on the floor, he would have heard him say to the majority leader that it would be his intention to cooperate but he wanted it considered on this bill; he would withdraw it and give the Sergeant at Arms time to prepare the Senate for a classified session upon our return. I think—I am not speaking for the Senator from Idaho—but I think he expressed his desire to cooperate, but he did want it heard on this bill.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, I thank my colleagues for the colloquy we have engaged in. I especially thank my colleague from Wyoming for looking after my interests.

I appreciate the perceptive comments of the Senator from Maine, and I appreciate part of what he had to say.

However, I say to my colleagues that we all have to ultimately make a decision on the INF Treaty. It is true, as the distinguished chairman of the committee says and the ranking member, the Senator from Maine, says, that maybe Friday afternoon, today, is not the time to clear the Senate and go to code-level closed session.

I am willing to withdraw my amendment if we can have some understanding with the majority leader that we can bring this amendment back up and notify the Sergeant at Arms that we need to have this discussion. Every Senator will have to make a decision.

Some Senators have already stated they are for the INF Treaty. Many Senators have said they are still open to the INF Treaty, to be convinced. I have said repeatedly in my State that I was still open-minded on it; but, after listening to some 20 days of hearings in the Armed Services Committee, someone will have to do a better job to convince me that this is in our national security, to ratify this INF Treaty, to confirm the signature of the President and the Soviet leader.

That is just one Senator's opinion. But I wish someone can erase this nagging concern I have that they are cheating, as they have cheated on other treaties they have signed, and someone can erase for me that they do not have a motivation to hide 300-plus SS-20's. They are chess players and we are checker players.

Their motivation would be simply this: Their motivation would simply be that they are going to have the ability to retarget the targets that they will now target once they move the SS-20's they do destroy out of base, that they will retarget those with SS-24's and SS-25's, and in a few years down the road, when they do ultimately go public with the fact that they have broken out of the ABM Treaty, they have deployed their own missile defense system, they have deployed a civil defense system to protect large numbers of their population, at that point they will roll out their SS-20's again. We will then be in a very vulnerable position, and it will be a different world from that we are used to living in.

I do not want to be a part, anything that allows the Soviet dictator the ability to visit the Port of New Orleans, for example, 5 or 10 years from now and say they would like to start loading wheat on ships at $1 a bushel and it will be done on credit.

So, a week from next Tuesday, pursuant to the provisions of rule XXI, it would be my intention to move to close the Senate, to discuss this amendment.

I want to hear if the majority leader would entertain that. If we do that, I will be happy to withdraw this amendment today, and we could bring it up at that time.

Mr. BYRD. Mr. President, what is the distinguished Senator's request?

Mr. SYMMS. I am requesting that a week from next Tuesday, pursuant to the provisions of rule XXI, I would like to move to close the doors of the Senate and discuss the pending amendment.

Mr. BYRD. Mr. President, I would hope that this bill would not still be before the Senate a week from Tuesday. I have no problem with the Senator asking for a closed session at some time when it is appropriate, but I certainly do not want to suggest that we are still going to be on this bill a week from next Tuesday.

Why should the matter not be something to discuss while the Senate is on the INF Treaty? We may have to ask

[Enclosure No. 2]
[From Diario las Americas, Feb. 9, 1988]

TIENE LA URSS MAS COHETES QUE LOS DECLARADOS EN EL TRATADO INF

Por ARIEL REMOS

De acuerdo con Estimados de la Inteligencia Nacional, la URSS cuenta por lo menos con 950 SS-20, que es el tipo de cohetes que viene obligada a destruir de acuerdo con el Tratado INF (Fuerzas Nucleares de Alcance Intermedio) firmado en la Cumbre de diciembre en Washington entre Reagan y Gorbachev.

Sin embargo oficialmente y para ser contabilizados en el tratado, la URSS sólo reportó la existencia de 650 SS-20.

La disparidad la está denunciando este martes 8 el Senador por Carolina del Norte, Jesse Helms, en New Hampshire y el contenido de su informe está basado en fuentes abiertas y de acuerdo con una carta no clasificada.

El senador no sólo reveló este ocultamiento o engaño de la URSS, sino que ofrece, calificándolos de descrédito para su metodología, los estimados de Inteligencia del Departamento de Estado y de la CIA sobre el número de esos SS-20, que sólo contabilizaron 550, 100 por debajo de la cifra ofrecida por la URSS.

Por otra parte, la denuncia del Senador Helms incluye también que de acuerdo con lo apuntado en los Estimados de Inteligencia Nacional de julio de 1987 y enero de 1988, el estimado de cohetes SS-20 producido por la URSS es de 1,200.

Por último, dice el senador Helms que de acuerdo con el análisis de la evidencia sobre la producción y despliegue de SS-20 contenida en los dos planes quinquenales soviéticos, de 1976-1980 y 1981-1985 el estimado de SS-20 es de 2,250. "Este estimado puede ser el más adecuado en términos de metodología", dice.

"En síntesis", agregó, el Estimado Nacional de Inteligencia que prevalece, es que hay por lo menos 300 SS-20 no declarados sobre los 650 declarados por los soviéticos".

Como dato interesante, el pasado viernes 4 un cable de la AFP dio cuenta de que el vocero oficial soviético Guennadi Gerasimov, admitió implícitamente que el número actual de INF soviéticos, podría ser superior al que contabilizó en el acuerdo norteamericano-soviético firmado en Washington.

La confesión de Gerasimov, posiblemente anticipándose a la denuncia del Senador Helms, refuerza su credibilidad en materia tan trascendental.

[Enclosure No. 3]

STATEMENT OF SENATOR HELMS AT CONCORD, NH, FEBRUARY 9, 1988

The attached unclassified chart shows the range of assessments on concealed Soviet SS-20 missiles, compared with the Soviet declared number under the INF Treaty. From this chart, it is clear that the National Intelligence Estimate of 950 SS-20s exceeds the Soviet number by 300. This must be considered a covert force, which may be deployed or undeployed.

First, the Soviets declared that they had a maximum of 650 SS-20 missiles as of November 1, 1987, when they signed the INF Treaty on December 8, 1987. This is the total number of SS-20s that the Soviets are obligated to eliminate under the INF Treaty. Under the terms of the Treaty, this number of 650 is supposed to represent the total number of SS-20s ever produced and still in the hands of the Soviets.

Second, many recent press reports have stated that, in the National Intelligence Estimate of July 1987, the State Department Intelligence and Research Office and the CIA both made an estimate of total SS-20s produced that was below the Soviet-supplied number of 650. The State-CIA number was reportedly 550 SS-20s, 100 less than the Soviets declared on December 7/8. This State-CIA underestimate severely discredits the methodology of estimating used by State and CIA.

Third, in the current draft NIE of January 1988, the State-CIA estimate has reportedly now been raised to 700. With the raising of the SS-20 estimate to 50 missiles above the Soviet-supplied number of 650, it became possible for the State Department to declare publicly that the Soviet-supplied number of 650 was "within the range of our uncertainties." Indeed, this may be a true statement of the State-CIA range of uncertainties. But what is not made clear by this statement is the fact that with the severity of the State-CIA underestimate, their methodology of estimating should be rejected along with the results of their estimates.

Fourth, further evidence of the unreliability of State Department estimates is the State declaration on May 13, 1987, that there could be 840 plus SS-20s. This public estimate flies in the face of the secret State-CIA estimate of only 550 SS-20s then classified. Thus the State Department was publicly much higher than their then-secret estimate, another anomaly further discrediting the State Department estimative methodology.

Fifth, in the July 1987 NIE the majority of the Intelligence Community, that is, the four military service intelligence departments, plus the National Security Agency, all estimated that the Soviets had at least 950 SS-20s. This was the NIE best estimate, agreed to by the majority of Intelligence Community. This judgment is reportedly repeated in the current draft NIE of January 1988.

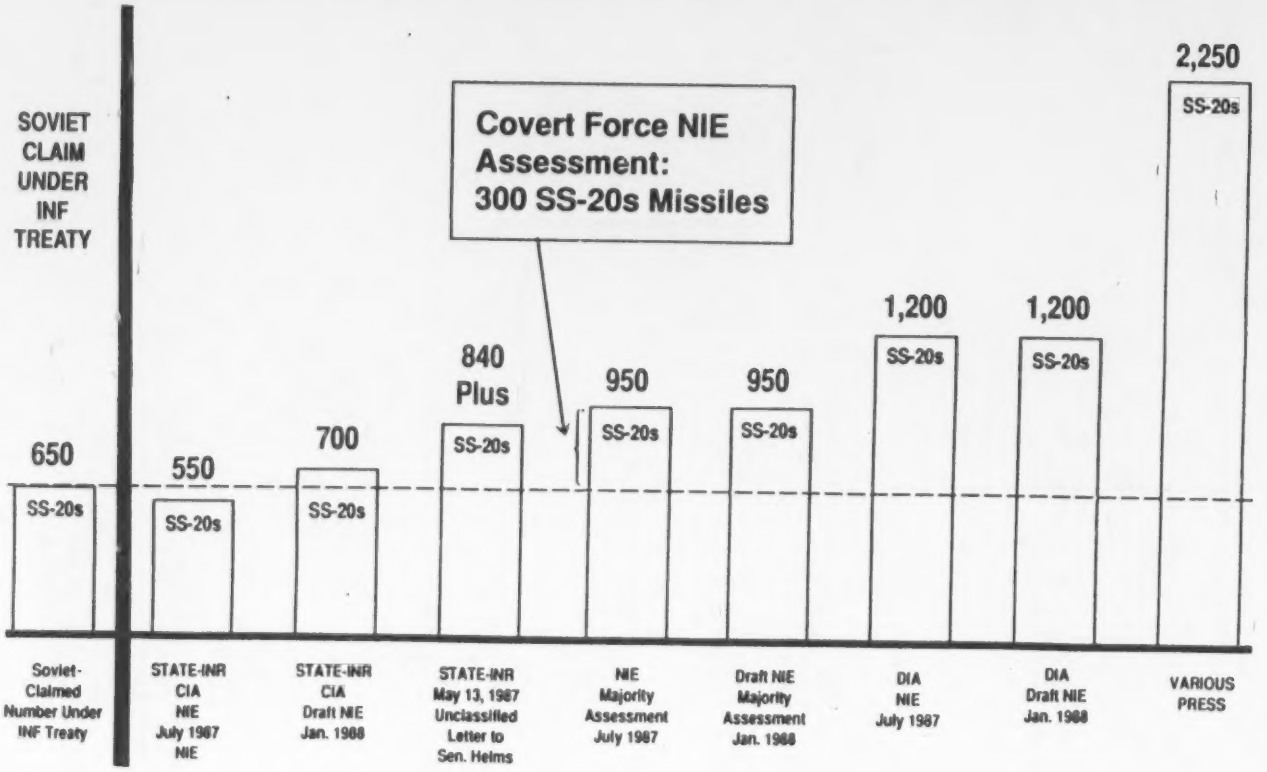
Sixth, both the July 1987 and the current draft NIE of January 1988 reportedly contained an estimate by DIA of 1200 SS-20s produced. This estimate reportedly is based upon solid evidence.

Seventh, we have the estimate of 2,250 SS-20s produced, which is based upon analysis of reported evidence of SS-20 production and deployment under two Soviet Five Year Plans, 1976-1980 and 1981-1985. This estimate may be the estimate most soundly based in terms of methodology.

In sum, the NIE majority assessment, the best estimate, is that there are at least 300 SS-20s that are concealed above the 650 declared by the Soviets. There may be as many as 1,600 more than the Soviets declared.

Concealed SS-20 Missiles

RANGE OF ASSESSMENTS COMPARED WITH SOVIET CLAIM



[Enclosure No. 4]
EXCERPT FROM SOVIET STRATEGIC FORCE DEVELOPMENTS
(By Robert M. Gates and Lawrence K. Gershwin)

SS-20s

The SS-20 force of intermediate-range ballistic missiles is expected to expand to over 450 deployed launchers by 1987, as a result of an extensive program of constructing new bases. More new bases were started in 1984 than in any previous year. The total would have been considerably higher if the Soviets had not deactivated SS-20 bases in the central USSR to convert to SS-X-25 ICBM bases. A follow-on to the SS-20, which also carries three warheads and is probably designed to improve lethality, began flight-testing in 1984.

[Enclosure No. 5]
EXCERPT FROM SOVIET MILITARY POWER (1983)

PREFACE

"There is nothing hypothetical about the Soviet military machine. Its expansion, modernization, and contribution to projection of power beyond Soviet boundaries are obvious. A clear understanding of Soviet Armed Forces, their doctrine, their capabilities, their strengths, and their weaknesses is essential to the shaping and maintenance of effective US and Allied armed forces."

Those words from *Soviet Military Power,* published in September 1981, provide a fitting point of departure for this updated second edition. *Soviet Military Power 1983* reports on the size, capabilities, and deployment of the Soviet Armed Forces—and documents the improvements and the R&D which are shaping the increased capabilities of the Soviet Strategic Rocket Forces, the Air Defense Forces, the Ground Forces, the Air Forces, and the Navy—forces numbering more than 4.9 million men.

Since late 1981:

- The USSR has begun test flights of two new land-based Intercontinental Ballistic Missiles, while continuing modernization of the deployed SS-17, SS-18, and SS-19 ICBM force.
- The USSR has begun test flights of a new generation of strategic, manned bombers—the BLACKJACK bomber, larger than the US B-1.
- The USSR has begun test flights of a new generation of ground-, sea- and air-launched cruise missiles, missiles with nuclear capability with ranges in excess of 1,600 kilometers, significantly expanding the flexibility of Soviet strategic options.
- The first of the USSR's 25,000-ton TYPHOON-Class strategic ballistic missile submarines has test fired its MIRVed, nuclear-warhead, 8,300-kilometer-ra[illegible] submarine-launched ballistic missiles. A second TYPHOON has been launched.
- Modernization and forward deployment of increasing numbers of Soviet intermediate nuclear forces—land, sea, and air—have proceeded at an unparalleled pace.
- More than 330 mobile launchers for the SS-20—a Longer-Range Intermediate-Range Nuclear Force (LRINF) missile with three nuclear warheads and reloads for each launcher—are now arrayed against Western Europe, the Middle East, parts of Africa, and most of Asia, including China and Japan.
- Su-24/FENCER ground-attack aircraft have been forward-deployed to nations of Eastern Europe and to border bases in Asia, extending the combat radius of these new nuclear-capable aircraft to include Japan and most of NATO Europe.
- The USSR has introduced additional nuclear-capable weapons systems to its forward-deployed divisions in Eastern Europe. The new SS-21 mobile, short-range ballistic missile system is operational in Eastern Europe as is the 152-mm self-propelled gun, adding to Soviet conventional, chemical, and nuclear war-fighting options.
- The USSR's T-80 main battle tank, in development in 1981, is in the field with Soviet Tank Divisions in both the USSR and Eastern Europe, adding to the extended combat capabilities of the more than 190 Soviet ground force divisions.
- In 1981, two Soviet KIEV-Class aircraft carriers were operational. Now, three units are on the high seas; a fourth unit has been launched; and development continues on a newer, larger class of aircraft carriers.

military fuel stocks. In Eastern Europe, Soviet logistics depots contain not only fuel and ammunition but also a great tonnage of military river-crossing equipment and tactical oil pipeline for which there can be no defensive justification.

Soviet Military Power 1984 provides a detailed report on the structure of the Soviet military and its pervasive role, as assigned by the Soviet leadership, in Soviet society—and how that translates directly into the increasing threat posed by the USSR's Armed Forces.

Building on the data provided in the First and Second Editions, *Soviet Military Power 1984* examines key developments in the continuing upgrade of the USSR's Armed Forces.

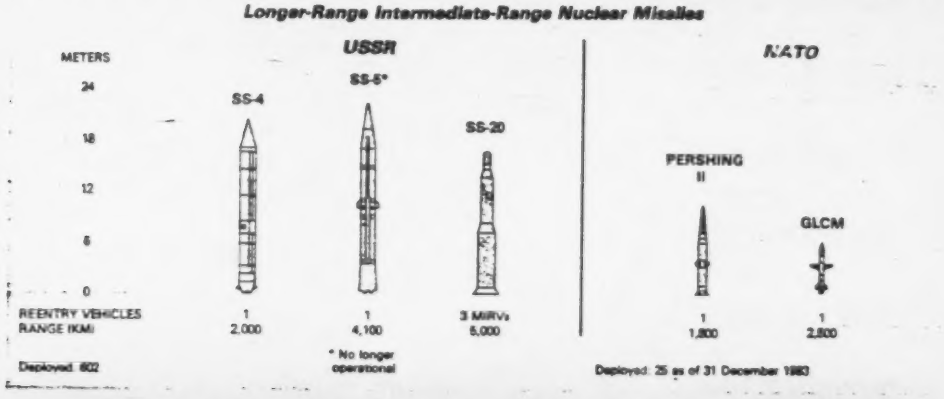
- Modernization of the fourth-generation SS-18 and SS-19 ICBMs nears an end, while the USSR proceeds with the testing of the fifth-generation SS-X-24 and SS-X-25 ICBMs. There are no security requirements for the development of so large a quantity of strategic nuclear offensive weapons.
- The 25,000-ton TYPHOON-Class strategic ballistic missile submarine, which in 1983 was conducting test firings of its SS-N-20 missiles, is now fully operational. And now, another new SLBM, the SS-NX-23, is being tested.
- The Soviet Union has three long-range, land-attack nuclear-armed cruise missiles nearly deployed—the sea-launched SS-NX-21, the aircraft-launched AS-X-15 and the ground-launched SSC-X-4—and it is pressing ahead with the development of more advanced strategic cruise missiles.
- The Soviets now have three manned strategic bombers in development or production. In addition to the new BLACKJACK long-range strategic bomber and the BACKFIRE bomber, the USSR has reopened production lines for the BEAR bomber and is producing a new BEAR H variant assessed to be the initial carrier for the AS-X-15 cruise missile.
- The Soviets have continued to field additional mobile SS-20 launchers, each with a three-warhead missile and reload. In 1981, *Soviet Military Power* reported 250 launchers; in 1983, the total had risen to 330 launchers and now the total is 378 launchers. Construction of new SS-20 facilities in the Western USSR has resumed, even though 243 SS-20 missiles with 729 warheads and an equal number for refire are already in place opposite NATO.
- New MiG-29/FULCRUM twin-engine fighter interceptors are now being introduced into Soviet air forces, greatly increasing offensive air capabilities. Additionally, the Su-27/FLANKER is nearing deployment.
- Fast-paced development continues in the Soviet space shuttle program, which will further increase the flexibility and capability of the USSR's essentially military manned and unmanned space systems.
- The USSR continues a great investment in strategic and tactical defenses—with across-the-board upgrading of Soviet air, sea, land and missile defense forces.

[Enclosure No. 6]
EXCERPT FROM SOVIET MILITARY POWER (1984)

ets expect they could continue their rapid combined arms offensive against NATO.

Soviet Missiles

With the initial deployment of the SS-20 LRINF missile in 1977, the Soviets launched a concerted effort to modernize and expand their intermediate-range nuclear force. Each SS-20 carries three MIRVed warheads, thereby providing a significant force expansion factor. To date, 378 SS-20s have been deployed, of which some 243 are opposite NATO. The mobility of the SS-20 system enables both on- and off-road operation. As a result, the survivability of the SS-20 is greatly enhanced because detecting and targeting them is difficult when they are field deployed. Further, the SS-20 launcher has the capability of being reloaded and refired; the Soviets stockpile refire missiles. The SS-20s also have very significant increases in accuracy and reaction time over the older SS-4s and SS-5s.

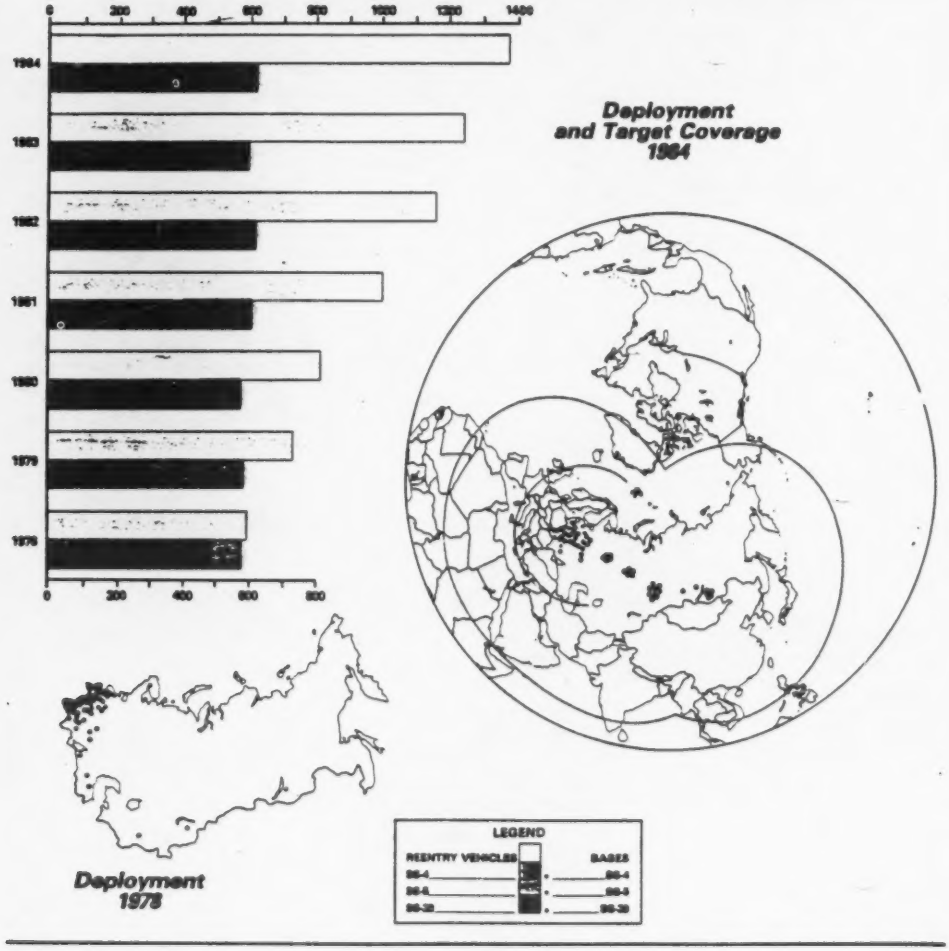


The mobile SS-20 LRINF missile launchers—with three nuclear warheads on each missile and with a reload for each launcher—are targeted against Western Europe, China and Japan.

Force expansion is continuing, and the number of deployed SS-20 launchers could increase by at least 50 percent by the late 1980s. In addition to the SS-20 force, the Soviets still maintain some 224 SS-4 LRINF missiles. All of these older missiles are located in the western USSR opposite NATO. By the end of 1983, all SS-5 LRINF missiles were being retired.

Soviet theater nuclear capability has undergone other significant improvements, evident from the increased numbers, types, sophistication, accuracy and yields of tactical missiles including the SS-21, SS-22 and SS-23. The SS-21 is a division-level system that is replacing the older FROG-7. It has a range of about 120 kilometers compared to the FROG-7's range of about 70 kilometers, and is more accurate and reliable, thus enabling greater

Longer-Range Intermediate-Range Nuclear Force Deployments



Production of Ground Forces Materiel USSR/NSWP and NATO[1]

Equipment Type	1979		1980		1981		1982		1983		1983
	USSR	NSWP	USSR	NSWP	USSR	NSWP	USSR	NSWP	USSR	NSWP	NATO
Tanks	3,500	800	3,100	700	2,000	520	2,500	800	2,700	980	1,650
Other Armored Fighting Vehicles	6,000	1,800	6,500	1,300	6,200	1,300	4,500	1,400	4,900	1,300	2,280
Towed Field Artillery	1,400	150	1,400	150	1,800	200	1,800	250	1,700	300	385
Self-Propelled Field Artillery	900	10	800	50	1,000	50	1,100	50	1,100	100	165
Multiple Rocket Launchers	800	150	700	150	700	150	700	100	700	100	95
Self-Propelled AA Artillery	300	100	300	100	300	50	200	50	100	0	0
Towed AA Artillery	–	200	–	150	–	250	–	200	–	225	125

[1] Revised to reflect current total production information. Includes United States, excludes France and Spain.

Armed Forces of the Soviet Union.

ICBMs: The Soviets continue to manufacturing liquid-propellant ICBMs. Total output of these ICBMs in 1983 was on the order of 150. In the future the Soviets are expected to develop and produce new types of liquid-propellant systems, as well as the two new solid-propellant systems (SS-X-24 and SS-X-25), now in pre-series production.

SLBMs: The Soviets continue to produce four SLBMs—the SS-N-6, SS-N-8, SS-N-17 and SS-N-18—at the rate of 200 a year. One new system, the SS-N-20/TYPHOON, is in series production. There are several plants engaged in SLBM production.

Cruise Missiles: The Soviets are building seven cruise missiles—the SS-N-2, SS-N-3, SS-N-7, SS-N-9, SS-N-12, SS-N-19 and SS-N-22—at the annual rate of 800. This production stretches from plants in the Far East Maritime provinces to the Ukraine. In addition, three long-range, land-attack, nuclear-armed cruise missiles, as discussed in Chapter II, are being built.

SRINF/SNF: Production of SRINF and SNF missiles in the 1980s has been stepped up, increasing from 300 in 1979 to an assessed 350 in 1983. This increase has heralded a large-scale modernization program intended to replace the thousands of old, short-range ballistic missiles and unguided rockets (FROGs) with new, more accurate SS-21s and SS-23s as well as improved SS-12/22s.

New production capability in the USSR is available to support large-scale deployment of the SS-21 and SS-23 into the 1990s at an an-

Aircraft Production USSR and NATO[1]

Aircraft Type	1979 USSR	1980 USSR	1981 USSR	1982 USSR	1983 USSR	1983 US	1983 NATO
Bombers	30	30	30	35	35	0	0
Fighters/Fighter-Bombers	1,300	1,300	1,350	1,100	950	675	675
Transports	400	350	350	300	300	280	280
ASW	10	10	10	10	5	20	20
Helicopters	700	700	800	800	800	725	725
Utility/Trainers	100	85	50	50	35	425	425

[1] Revised to reflect current total production information. Includes United States, excludes France and Spain.

Missile Production USSR and NATO[1]

Missile Type	1979 USSR	1980 USSR	1981 USSR	1982 USSR	1983 USSR	1983 NATO
ICBMs	225	250	200	175	150	0
LRINF	100	100	100	100	100	25
SRBMs	300	300	300	300	350	0
SLCMs	700	750	780	800	800	225
SLBMs	200	200	175	175	200	70
SAMs	53,000	53,000	53,000	53,000	55,000	6,000

[1] Revised to reflect current total production information. Includes United States, excludes France and Spain.

[Enclosure No. 7]
EXCERPT FROM SOVIET MILITARY POWER (1985)

characteristics of its forces. The USSR also possesses a significant numerical advantage in intermediate-range nuclear force (INF) aircraft and is reducing the qualitative advantage NATO has enjoyed, despite NATO's INF aircraft modernization program, which consists of the replacement of older aircraft with the F-16 and TORNADO.

Short-range nuclear forces (SNF) consist of tube artillery and missiles of much shorter range than INF missiles. The balance in SNF artillery, traditionally an area of NATO advantage, also has shifted dramatically in favor of the Soviets in recent years. The Soviets have achieved parity in overall numbers of SNF and continue to have a substantial advantage in the category of short-range missiles, giving them more flexibility in the employment of SNF.

Short-Range Ballistic Missiles

Current Systems and Force Levels. Armies and fronts have missile brigades equipped with 12-18 SS-1C SCUD SRBMs. Over 400 SCUD launchers are opposite European NATO; over 100 are opposite the Sino-Soviet border and in the Far East; about 75 are opposite southwest Asia and eastern Turkey; and one brigade is in strategic reserve. The SCUD is expected to be replaced by the SS-23, which has a longer range and improved accuracy. Initial deployment is anticipated opposite NATO and China. Each front commander may also have a brigade of 12-18 SCALEBOARD missiles available. They are more accurate than the SS-12 they replaced. Over 60 launchers are opposite European NATO and 40 are opposite the Sino-Soviet border in the Far East. There is one battalion opposite southwest Asia/eastern Turkey, and one brigade is in the Strategic Reserve military districts. The new generation of shorter range missiles can be employed effectively with conventional and improved conventional munitions warheads in light of their greatly increased accuracy.

Missile Production
USSR and NATO[1]

Missile Type	1980 USSR	1981 USSR	1982 USSR	1983 USSR	1984 USSR	1984 NATO
ICBMs	250	200	175	150	100	0
LRINF	100	100	100	125	150	70
SRBMs	300	300	300	350	350	0
SLCMs	750	750	800	800	850	665
SLBMs	200	175	175	200	200	80

[1] Revised to reflect current total production information. Includes United States; excludes France and Spain.

In 1984, the Soviets, for the first time, forward deployed the SCALEBOARD short-range ballistic missile to Eastern Europe. These front-level missiles, which normally deploy with Soviet combined arms formations, are now in position to strike deep into NATO without having first to forward deploy.

Force Developments. It is likely that the Soviets will continue to seek improvements in their SRBM force. Improvements in guidance and control, warhead capabilities, and accuracies are expected. Such improvements will give the combined arms commanders enhanced nonnuclear targeting options and more flexible, reliable, and survivable SRBMs. These systems will be capable of delivering nuclear, chemical, or conventional warheads closer to the forward edge of the battle area and at greater depths within the military theater of operations.

Tactical Missiles and Nuclear Artillery

Current Systems and Force Levels. At division level, the predominant weapon is the unguided FROG, found in a battalion of four launchers. The Soviets have begun to replace the FROG with the more accurate, longer range SS-21 in most divisions opposite NATO. Currently there are some 375 FROG and SS-21 launchers opposite NATO. Two hundred FROG launchers are opposite the Sino-Soviet border and in the Far East; about 100 are opposite southwest Asia and eastern Turkey; and about 75 are in the Strategic Reserve MDs.

In addition to FROG and SS-21 launchers, a division commander has some 800 nuclear-capable artillery tubes at his disposal. Two new self-propelled artillery pieces, a 152-mm gun and a howitzer/mortar, are now entering the inventory. Both of these guns are nuclear-capable and will bring the total number of nuclear-capable artillery tubes to over 2,000 when fully deployed. An additional 4,000 152-mm howitzers have at least a potential nuclear capability.

Force Developments. As in all other nuclear attack forces, it is likely that the Soviets will improve the capabilities of their tactical missiles and nuclear artillery pieces. This improvement will be accomplished through incre-

[Enclosure No. 8]
EXCERPT FROM SOVIET MILITARY POWER (1986)

Aircraft Production
USSR and NATO[1]

Aircraft Type	USSR			NATO		
	1983	1984	1985	1983	1984	1985
Bombers	35	50	50	0	0	2
Fighters/ Fighter-Bombers	950	800	650	650	550	550
Transports	250	250	250	290	250	300
ASW	5	5	5	15	10	5
Helicopters	550	600	600	725	720	525
Utility/ Trainers	10	10	0	425	305	300

[1] Revised to reflect current total production information. Includes United States; excludes France and Spain.

to amass the world's largest state-owned civil air fleet. The Soviet Union is also a major exporter of both civilian and military aircraft to the Third World.

Bombers. The USSR currently has three intercontinental-capable bombers in or nearing production: the BACKFIRE, the BEAR H, and the new BLACKJACK. The BACKFIRE is built at the huge plant at Kazan. The BEAR H, which carries the AS-15 long-range cruise missile, is being produced at Kuybyshev. Development of the latest advanced Soviet strategic bomber, the BLACKJACK, is progressing, and series production is expected at a massive new complex at the Kazan Airframe Plant.

Fighters. Overall Soviet fighter aircraft output has declined over the past several years, dropping from approximately 1,300 units in 1980 to about 650 in 1985. Output of newer fighters such as FULCRUM and FLANKER is not expected to offset production cutbacks in older, longstanding programs such as FLOGGER, FISHBED, and FITTER. Other active fighter production programs in 1985 included the FOXHOUND, FOXBAT, FROGFOOT, FENCER, and FORGER. The FOXHOUND interceptor, the FULCRUM counterair fighter, and the FROGFOOT ground-attack aircraft, produced at Gorkiy, Moscow, and Tbilisi, respectively, have achieved operational status during the last five years. In addition, four improved variants of older Soviet fighters, two each of FENCER and FITTER, have been in production since 1980. Deployment of the new MiG-29/FULCRUM is finally beginning to quicken, with Soviet units in Eastern Europe now receiving this aircraft.

The latest Soviet fighter, the Su-27/FLANKER air-superiority fighter, built in Komsomolsk, achieved operational status early in 1986. The first Su-27s have begun arriving at operational bases in the USSR, after developmental difficulties delayed their introduction into the Soviet Air Force for a few years. Further, the Soviets probably have at least one new entirely different fighter design and several upgraded variants of existing models in different stages of development.

Transports. The Soviet Ministry of Aviation Industry ensures that all domestically produced high-performance transport aircraft meet military requirements. About 85 of the 250 transports produced in 1985 were for military use, primarily the Il-76/CANDID and the An-26/CURL, and, for foreign air forces, the An-32/CLINE. The CANDID is built at a huge facility in Tashkent. The Soviets produce two militarily important variants of this aircraft, an aerial refueling tanker and an airborne warning and control aircraft designated MAINSTAY. Other transports in production include CLASSIC, CRUSTY, CARELESS, CLOBBER, and CAMBER. Series production for the An-124/CONDOR heavy transport will probably start in 1987 or 1988. Six plants in the USSR manufacture transport aircraft as their main product. They, together with several other plants making multiple types of aerospace products, are expected to turn out an average of about [illegible] transports annually for the next several years.

Missiles

The Soviet missile industry has one of the highest priorities assigned to military programs and is engaged in continuous expansion and modernization. This results in not only

Missile Production
USSR and NATO[1]

Missile Type	USSR			NATO		
	1983	1984	1985	1983	1984	1985
ICBMs	150	75	100	0	0	0
LRINF	125	125	125	110	80	175
SRBMs	500	500	450	50	25	50
SLCMs	650	700	700	1,300	1,100	800
SLBMs	100	50	100	75	70	75

[1] Revised to reflect current total production information. Includes United States; excludes France and Spain.

[Enclosure No. 9]

EXCERPT FROM SOVIET MILITARY POWER (1987)

accuracy of the SS-21 and SS-23 probably provides the Soviets with non-nuclear capabilities to attack theater targets.

- The recently deployed T-80 tank continues the developmental pattern epitomized by the T-64 and T-72 tanks in the past 2 decades. Combining some features of both, the T-80 incorporates a better powerplant, improved armor protection, and more advanced fire control.
- The KIROV-Class nuclear-powered guided-missile cruiser is a major improvement over earlier Soviet guided-missile cruisers. The KIROV, which has a 28,000-ton displacement, is a heavily armed ship with a nuclear power propulsion system that gives it virtually unlimited range. It also incorporates oil-fired boilers to give the ship added speed. The cruiser carries a wide range of weapons as well as three helicopters. The KIROV has excellent air search radars, a much-improved antiair warfare missile fire control system, and significant electronic warfare and command, control, and communications capabilities. It carries five types of surface-to-surface and surface-to-air missiles. It is also fitted with medium-caliber guns, antiaircraft Gatling guns, antisubmarine warfare rockets, and torpedoes.
- The Soviets have also successfully incorporated technological advances including extensive automation, into their submarine programs. Improved control of magnetic, electromagnetic, and acoustic signatures have rendered newer Soviet submarines far less detectable than older units. Titanium has been used in the pressure hulls of some units, probably to achieve deeper operating depths.

Soviet Industry

Military Production

The Soviet Union has the world's largest active military-industrial base producing virtually every type of military equipment in large quantities not only for its own forces but for export. Despite recent increases in US output, Soviet output in the 1980s continues to lead the US in overall military production.

The output of ground force and general-purpose equipment continues at the high overall rates that have characterized Soviet production for a quarter of a century. The production of the most modern tactical fighters and the most modern naval surface combatants and nuclear-powered attack submarines, on the other hand, is below the levels sustained in previous years.

From 1982 through 1986, declines have also been noted in tactical materiel equipment such as some artillery-type weapons — but not the newer self-propelled models — minor naval ships, helicopters, and tactical ballistic missiles. The drop in fighter output, for example, reflects new high technology models that are more costly and difficult to produce. At the same time, the output of systems such as bombers, long- and short-range cruise missiles, submarine-launched cruise missiles (SLCMs), and AWACS was on the increase. ICBM output rose for the second straight year and is now at the 1982 level. Further advances in both liquid- and solid-propellant models are expected.

In the midterm, no great changes are expected. Output of materiel for the ground forces will not change much except for helicopters. In that category, production will continue to decline slightly until series manufacture of the HAVOC and HOKUM are well underway.

Fluctuations in naval production are expected over the short term because ships are built in small numbers at great cost over long construction periods. Future production of small surface combatants will increase, considering

US and Soviet Procurement of Major Weapon Systems 1977-1986

	US	USSR
ICBMs and SLBMs	850	3,000
IRBMs and MRBMs	200	1,000
Surface-to-Air Missiles *	16,200	140,000
Long- and Intermediate-range Bombers	28	375
Fighters **	3,450	7,150
Military Helicopters	1,750	4,650
Submarines	43	90
Major Surface *** Combatants	89	81
Tanks	7,100	24,400
Artillery	2,750	28,200

* Includes naval SAMs
** Excludes ASW and combat trainers
*** Excludes auxiliaries

Production of Ground Forces Materiel USSR/NSWP and NATO*

Equipment Type	USSR	NSWP	USSR	NSWP	USSR	NSWP	NATO		
	1984		1985		1986		1984	1985	1986
Tanks	3,200	450	3,000	700	3,000	700	1,600	1,800	1,000
Other Armored Fighting Vehicles	3,800	1,200	3,800	1,200	3,000	1,200	2,500	2,700	2,400
Towed Field Artillery	1,900	250	2,000	200	1,300	150	450	850	225
Self-Propelled Field Artillery	1,000	300	1,000	350	1,000	500	250	300	225
Multiple Rocket Launchers	900	100	700	100	500	75	75	75	800
Self-Propelled AA Artillery	50	0	100	10	100	50	50	25	0
Towed AA Artillery	0	225	0	225	0	200	25	0	0

* Revised to reflect current total production information. Includes United States; excludes France and Spain.

Missile Production USSR and NATO*

Missile Type	USSR			NATO		
	1984	1985	1986	1984	1985	1986
ICBMs	75	100	125	0	0	10
LRINF	125	125	25	80	175	125
SRBMs	500	450	400	0	0	0
SLCMs**	700	700	1,100	1,100	900	700
SLBMs	50	100	100	70	75	25

* Revised to reflect current total production information. Includes United States; excludes France and Spain.

** Short- and long-range sea-launched cruise missiles.

Aircraft Production USSR and NATO*

Aircraft Type	USSR			NATO		
	1984	1985	1986	1984	1985	1986
Bombers	50	80	50	0	2	25
Fighters/ Fighter-Bombers	800	850	850	550	550	550
Transports	250	250	200	250	300	300
ASW	5	5	5	10	5	5
Military Helicopters	900	900	800	720	525	350
Utility/ Trainers	10	0	55	305	300	250

* Revised to reflect current total production information. Includes United States; excludes France and Spain.

Naval Ship Construction USSR and NATO*

Ship Type	USSR			NATO		
	1984	1985	1986	1984	1985	1986
Submarines	9	8	8	12	8	7
Major Combatants	9	8	9	19	16	11
Minor Combatants	50	50	50	34	30	25
Auxiliaries	5	5	5	11	5	5

* Revised to reflect current total production information. Includes United States; excludes France and Spain.

the new facilities online or coming online at shipyards that traditionally build small combatants. Over the longer term, the Soviet shipbuilding industry, reflecting a more global outlook, will produce units of greater capability and generally greater size. These larger ships will permit the Soviet navy to better operate in broad ocean areas.

For aircraft, bomber production, which has increased significantly during the 1980s, is believed to have peaked. A moderate decline is expected at least until series production of BLACKJACK begins. BACKFIRE output will probably be unchanged for the next several years. Production of the FULCRUM and FLANKER is expected to rise notably in the next several years. The output of FROGFOOT and FOXHOUND is likely to grow only slightly. Transport aircraft production is expected to decline further during the next several years.

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[Enclosure No. 10]
LETTER FROM WILLIAM L. BALL III

THE WHITE HOUSE

WASHINGTON

DEC 30

December 23, 1987

Dear Senator Helms:

On behalf of the President, I would like to thank you for your December 18 letter regarding the January hearings which will be conducted by the Senate Foreign Relations Committee on the proposed INF Treaty.

I would like to assure you that your request for responses to twenty-four specific questions and a copy of National Intelligence Estimate 11-3-8-87 has been directed to the President's foreign policy advisers for their prompt attention. We will be back in touch with you as soon as we have had an opportunity to thoroughly review your inquiry.

With best wishes,

Sincerely,

William L. Ball, III
Assistant to the President

[Enclosure No. 11]
LETTER FROM WILLIAM H. WEBSTER

January 25, 1988

The Honorable Jesse Helms
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510

Dear Senator Helms:

I am responding to your letters of January 22, 1988 to General Odom and me. We have reviewed the highly sensitive classified information cited in the attachment to your letter. This information is, in fact, contained in a recent draft of Volume II of National Intelligence Estimate 4/11-88. The information is substantively accurate, although the final wording in the published version will, in some cases, be slightly different. In some cases, the citations omit reference to important caveats and additional observations. These statements are excerpts from a much broader set of judgments and issues regarding the monitoring of the INF Treaty and, in my view, by themselves do not constitute a sufficient basis on which to draw conclusions about the overall monitorability of the Treaty. This volume of the NIE, which contains highly source-sensitive information, has not yet been published. The judgments and information therein have been briefed to policy officials, negotiators, and in response to requests from members of Congress and security-cleared staff. A summary has been published.

I and my colleagues from the Intelligence Community will be prepared to discuss the issues you have raised during my testimony before the Senate Foreign Relations Committee on January 29. However, it is my understanding that intelligence monitoring capabilities will be discussed in detail in several hearings scheduled by the Senate Select Committee on Intelligence. I would ask you to consult with Chairman Pell, SSCI Chairman Boren, and SSCI Vice Chairman Cohen regarding the appropriate forum for detailed discussion of sensitive intelligence information regarding the monitorability of the INF Treaty.

Sincerely,

William H. Webster

[Enclosure No. 12]

EXCERPT FROM "THE SOVIET ESTIMATE"

(By John Prados)

TABLE I. SOVIET ICBM DEPLOYMENT ESTIMATES 1958–1963

Estimate	Date	Mid-1959	Mid-1960	Mid-1961	Mid-1962	Mid-1963	Mid-1964
NIE 11-4-58	12/23/58	100*	100	500*	500	—	—
NIE 11-4-59	2/9/60	—	35	140–200	250–350	350–450	—
NIE 11-8-60	8/1/60	—					
	Program A	—	30	150	270	400	—
	Program B	—	35	200	450	NA	—
	Program C	—	30	50	125	200	—
NIE 11-4-60	12/1/60	—	—	—	124–450	200–700	**
NIE 11-5-61	4/25/61	—					
NIE 11-8-61	6/7/61	—	—	—	50–300	100–550	150–850***
NIE 11-4-61	1/10/62	—	—	—	35–100	100–250	150–450****
Supplement NIE	February 1963	—	—	—	—	120–250	175–450

*The estimate predicted that an inventory of 100 and 500 ICBMs would be attained at intervals of two years, but gave the earlier years in the case of a "crash" program.

**The Air Force also predicted 950 Soviet ICBMs for mid-1964 and 1,200 in 1965.

***Additional Air Force predictions were 1,150 Soviet ICBMs in 1965 and 1,450 in 1966.

****The estimate also presented the range of 250–600 Soviet ICBMs for mid-1967.

Source: Memo, McQuade-Nitze, "The Missile Gap Estimates," May 31, 1963 (declassified July 25, 1979) DDRS (78)-263(d).

[Enclosure No. 13]
[From Boston Globe, Sept. 5, 1976]
SOVIET MOBILE MISSILE WORRIES U.S.

By William Beecher
Globe Washington Bureau

WASHINGTON—A new Soviet medium-range missile, preparations for deployment of which are just beginning in complexes aimed at Western Europe and China, is causing deep concern with the Administration.

The missile, called by Western intelligence the SS-20, is a solid-fuel, mobile weapon carrying three separately guided warheads.

The concern, a bit of which crept into public discourse last week, is based on the following information which has not been made public:

—About twice as many SS-20s are being manufactured by the Soviet Union as the number of the missiles they are to replace.

—The missile is estimated to be 10 times more accurate than deployed models.

—Comprising the first two stages of the three-stage SS-16 intercontinental ballistic missile, the SS-20 is believed subject to quick transformation into an ICBM, giving the Russians the potential of having more than 1000 weapons that could cover targets throughout much of the United States but totally outside any SALT limitations.

Dr. Fred Ikle, director of the US Arms Control and Disarmament Agency, without addressing any of these specifics, made a speech in Los Angeles a few days ago asking why the Soviets deem it necessary to add the SS-20 when they already possess regional nuclear superiority. The specter of such weapons, he declared, "grows like a towering, dark cloud over Europe and Asia.'

"Why are they adding to this arsenal?" Ikle asked. "What — we must ask, with deep concern — is the possible political purpose?".

Some government analysts are apprehensive that the Russians are determined to field a force perceived as so preponderant — in Europe principally, but also in Asia — that they can expect to realize commensurately greater political leverage.

Especially if the Mutual Balanced Force Reduction talks result in a parallel scale-down of forces deployed on the central front in Europe, the appearance of twice as many Soviet nuclear missiles, each one carrying three times as many more accurate warheads, should not be lost on political leaders in Western Europe.

Work is under way at some of the SS-4 and SS-5 medium-range missile complexes in Southwestern Russia to construct new storage facilities, housing and command bunkers for the SS-20s, well-placed sources report. There are now about 340 of the older missiles in such sites. Some dismantling has begun. But with about 1200 SS-20s now being produced in Soviet factories, a question arises over how many of these are destined for the European front.

Sources report that a goodly number appear also headed for the Sino-Soviet front. The Russians are constructing facilities at an SS-7 ICBM site in Soviet Asia identical to those associated with the SS-20 in southwestern Russia. This suggests to some analysts that Russia intends to place additional numbers of medium-range missiles in its Far East deployment to increase coverage of targets in China.

Under the SALT-1 agreement, the Soviets are allowed to deploy more missile submarines if they dismantle their vintage SS-7 and SS-8 ICBMs. It thus appears that the SS-20 will be deployed as a replacement, unconstrained by SALT, in at least some of these sites.

The SS-20 is carried on the same transporter-launcher as the SS-16 ICBM. The only difference discernible from space satellites is that the firing cannister in which the missile is housed is about five feet shorter in the case of the SS-20.

But the SS-20, which has been tested at ranges of about 200 miles, could speedily be given a third stage and a larger cannister and thus become an ICBM.

In that the missiles are mobile, they would be hard to keep track of, compared with missiles in silos. It is anticipated that the SS-20s will normally be kept in a fixed site, with associated spare-parts warehouses, repair shops and troop barracks. But in time of crisis they could easily be moved to alternate sites, thus increasing their chances of surviving any missiles or bombers aimed at the fixed sites.

And even without being fitted with the SS-16's third stage, analysts say, by putting on a lighter single warhead and making certain other 'difficult-to-detect' changes, the SS-20 could probably be given a 4000-mile range, sufficient to reach many targets in the United States.

The SS-20 has not been discussed either in the SALT or Mutual Balance Reduction talks, since the first negotiation deals only with long-range strategic weapons and the other deals only with troops and weapons stationed in the central NATO front and Warsaw pact territory. It thus represents a gray-area weapon unconstrained by limits of any kind.

And yet it has clearcut potential of great significance in both areas. It is this failure of coming to grips with a new capability, and the implications of large-scale deployment in suggesting Soviet intentions, that is raising such great concerns within the upper echelons of the military and arms-control communities.

[Enclosure No. 14]
EXCERPT FROM THE HERITAGE FOUNDATION ARMS CONTROL HANDBOOK

Long-Range Intermediate Nuclear Force (LRINF) Missile Trends/Relationship

Supplemental Information

- Since some INF systems carry more than one warhead, launchers and warheads totals are different (see following graph). Because of geographical or numerical limitations, LRINFs could not be a component of a U.S. or Soviet first strike against each other. However, Soviet INF forces, for example, could be used in a first strike against NATO military sites, many of which are essentially unprotected. The graph indicates the USSR has a strong lead in numbers of LRINF launchers. Soviet LRINF launchers are reloadable. In addition, Moscow has a substantial lead in shorter-range INF missiles: it has around 370 such systems while the U.S. has none.

- LRINF missiles are considered to be those with ranges between 1,800 and 5,500 kilometers.

- Totals include all individual LRINF missiles; i.e., SS-4s, SS-20s, Pershing IIs, and individual ground-launched cruise missiles (four per launcher).

- The USSR also stockpiles SS-20s and estimates suggest there are anywhere from two to five spare SS-20s (with 3 warheads each) for each launcher.

- Latest public information is that around 171 SS-20 launchers are deployed in Asia; however, the SS-20 is mobile and could be redeployed from Europe to Asia or vice versa.

- Some current and future Soviet defensive systems may be able to intercept U.S. LRINF systems; NATO has no similar capabilities.

- The location of targets may have an impact upon the INF balance; many important NATO targets, for example, are within 500 miles of the intra-German border and therefore in close range of Soviet LRINFs (and shorter-range INFs also).

- The USSR is developing a GLCM which could be deployed to target U.S. allies (the SS-CX-4).

[Enclosure No. 15]
[From New York Post, June 9, 1983

"LOST" RED MISSILES

By ROWLAND EVANS & ROBERT NOVAK

U.S. FAILURE to discover the location of three "regiments" of SS-20 intermediate-range nuclear missiles known or strongly suspected to be somewhere on Soviet soil has strengthened agreement within the Reagan Administration that early compromise with Moscow over the deployment of new U.S. missiles in Europe is impossible.

The three regiments, each with ten launchers for the three-warhead missile, are believed to be somewhere in Central Russia. The U.S. intelligence community is understood to be certain that the 30 missing launchers in three regiments are deployed in the field.

It is believed that they have been positioned for potential use against either European or Asian targets — which includes the mainland of Communist China and the Japanese islands.

The still-rising numbers of SS-20 missiles aimed at Western Europe are clearly identifiable in their shelters from spy-satellite pictures that regularly photograph them.

The missing regiments, however, have not been spotted, raising questions as to whether the Soviets have arranged new and unknown camouflage protection for them.

Indeed, the unexpected discovery in April of one additional regiment of SS-20s under camouflage signalled a warning to the U.S. that the presumed total number of SS-20s, around 360, may be far less than the actual number.

That was before the existence of the three phantom regiments was even suspected.

The impact of these phantom regiments on U.S. policy could be considerable.

With talks now resuming in Geneva on the NATO plan to start deploying the Pershing 2 missile as a counter to the SS-20s, precise knowledge of the number of SS-20s is obviously essential to the U.S. negotiators, headed by veteran diplomat Paul Nitze.

A just-published appraisal of these negotiations by the staff of the Senate Foreign Relations Committee virtually rules out agreement with the Soviets this year "unless one or both governments propose meaningful shifts in their current . . . positions."

Soviet refusal to identify the precise location of the missing regiments is likely to harden the U.S. position.

Equally disconcerting to U.S. policy-makers is the strong indication that for each SS-20 launcher, the Russians are now believed to have up to five missiles, not the previously estimated two missiles.

If American specialists are correct on this point, it means that the Soviets now have more than 5000 SS-20 warheads available for use against Western European and Oriental targets: the initial missile plus four backups for each launcher.

[Enclosure No. 16]
[From New York City Tribune, Nov. 11, 1987

1977 SPY DATA ON SS-20's CAST SHADOW OVER INF TALKS

WASHINGTON — In 1979 a colonel of the General Staff of the Soviet Army, found guilty of espionage and treason, was strapped to a post, blindfolded and gagged and, following a quickly barked order, his body riddled by a firing squad.

Described by a U.S. government source as Boris, the colonel helped U.S. intelligence for several years before being caught by the KGB.

In 1976 Boris provided the CIA with one of his most intriguing pieces of information. He said the Strategic Rocket Forces planned to build 225 new mobile missile launchers for a system dubbed "Pioneer" during the Five Year Defense Plan 1976-80.

In 1977, U.S. reconnaissance satellites began observing the Pioneers, which were dubbed SS-20s. The presence of these two-stage, three-warhead ballistic missiles on multi-wheeled launchers forced the West German government of Helmut Schmidt to ask the United States to deploy a counter-system.

That system, in the form of the Pershing II and ground-launched cruise missiles now being placed in Western Europe (and being negotiated out again under the imminent INF treaty), has been deployed in an atmosphere of great political turmoil.

The deployment schedule did not quite match the Five Year Plan as outlined by Boris, but given the imperfections of execution of any plan, the information tracked well enough to confirm his credibility as an intelligence source. By now there are some 441 known SS-20 or Pioneer launchers.

Looking back to 1976, the most intriguing thing Boris told the United States was that the Five Year Defense Plan specified the assignment of five Pioneer missiles per Pioneer launcher vehicle, to result in a strength of 1,225 missiles at the end of the plan period.

Each Pioneer firing unit was designed with one first-shot missile and four reloads. It would fire from a pre-surveyed location; then the vehicles would speed to a second point, reload and fire the second missile.

The Pioneer was designed to fire, move, fire, move — until all five missiles were sent on their way into space and toward the release of their three warheads apiece (each with the explosive power of 150,000 tons of dynamite).

U.S. reconnaissance satellites have observed the SS-20 units carrying one reload and on one occasion two reloads. Signals intelligence has picked up indications of possible exercises including multiple reloads, according to our source.

The United States has never publicly gone beyond saying that SS-20 units carry a single reload missile and that the Soviet army stockpiles reload missiles, without specifying the number.

The official tables of warheads carried usually count only the warheads on the initial missile, so the Pentagon's *Soviet Military Power* in its INF table talks of the SS-20 force as 441 missiles and three warheads per missile making a total of 1,323 nuclear warheads.

Now that the United States and the Soviet Union are haggling over the INF treaty that is supposed to abolish these intermediate-range missiles, American officials are wondering how many SS-20s they should demand be dismantled. If Boris was right, then the SS-20 force is much bigger than anyone has publicly recognized and consists of 2,205 missiles and 6,615 warheads.

In comparison, the United States has roughly 6,000 nuclear warheads on all its different types of land- and submarine-based ballistic missiles combined.

One of America's leading nuclear weapons experts, Dr. Sam Cohen — perhaps best known for his advocacy of the neutron weapon — has long maintained that the SS-20 is not even a theater weapon but designed as an all-purpose strategic weapon.

One of the distortive effects of arms control counting rules is that missiles are classed according to the maximum range over which they are known to have been tested, which may differ considerably from their real capability. Similarly, their warhead numbers are totaled on a basis of the maximum number tested in a test firing.

Designed as an ICBM?

Cohen says in his recent book, *Mesmerized by the Bear: The Soviet Strategy of Deception* (Dodd, Mead & Co):

"There would seem to be very good reasons to believe that from the very beginning the Soviets planned the SS-20 as an ICBM [intercontinental ballistic missile] and then proceeded to deceive our technically marvelous but mentally gullible spy satellites into believing it was a theater missile by restricting their flight tests to theater missile ranges.

"Even then these test ranges have been barely — only 10 percent — below the accepted definition of an ICBM range, hardly enough to seriously reduce confidence in the missile's performance at intercontinental ranges."

The Soviets' testing the missile in a trajectory across the North Pole provides a further indication that the SS-20 was designed as an all-purpose strategic nuclear weapon system. The only possible target for such a track would be in North America, and the tests would be valuable in providing the Soviets with data on magnetic and gravitational anomalies that could affect SS-20 accuracy when fired against Canada or the United States.

Given the CIA's estimate that once new nighttime and all-weather satellites are in orbit the United States will probably be able to detect only about 20 percent of SS-20s, the Soviets have little incentive under the INF Treaty to do more than dismantle their lead missiles and to keep the reloads.

Given the great uncertainties U.S. intelligence has about how many SS-20 reload missiles exist, the negotiators are in a weak position to bargain for their being dismantled.

[Enclosure No. 17]
[From New York City Tribune, Nov. 18, 1987

INF "GOOD DEAL" MAY BE A DISASTER

WASHINGTON — Some U.S. officials are concerned that the Soviets are eager to sign an intermediate nuclear forces (INF) treaty because it will remove an important American deterrent force from Europe while allowing the Soviets to continue their nuclear buildup unhampered.

On the face of it, the treaty seems to favor the West, as Secretary of State George Shultz often says.

Superficially, the impending INF treaty is a great victory for the West since it results in the removal of 441 SS-20 missiles with 1,323 warheads and 112 SS-4 launchers, making a total reduction of 1,435 Soviet warheads. In return, the United States is removing only about 300 warheads — on 108 Pershing II ballistic missiles and on 208 ground-launched cruise missiles.

In addition, almost as a goodwill bonus, the Soviets have agreed to give up about 600 shorter-range SS-12 Scaleboard and SS-23 missiles that have no American counterpart at all. The whole package has combined to make Soviet leader Mikhail S. Gorbachev look like a virtual strategic philanthropist!

But a senior U.S. government official, who wished to remain anonymous, told the *New York City Tribune* this week that the outlines of an alarming Soviet "cheat plan" have emerged.

Under the pressure of the Dec. 7 Washington summit deadline for signing the treaty, and on account of the U.S. intelligence community's complete bafflement over how many SS-20 missiles the Soviets have manufactured, Washington will agree to the dismantling of the 441 first-shots and perhaps a token 150 reloads, together with the demolition of some old sheds at known SS-20 bases, and SS-20 trucks.

But if the ill-fated Colonel "Boris" — a spy for America on the Soviet General Staff who was caught and executed in 1979 — was accurate in his reporting to the CIA in 1976, and the SS-20 units were designed to consist of five missiles per launcher, the Soviets now have at least 2,205 triple-warhead missiles, the U.S. official said. They have been producing them since 1976 at the rate of perhaps 200 a year. If, in accordance with the upcoming INF treaty, they agree to take apart roughly 600, they can fulfill the terms of the agreement by scrapping 11-, 10- and 9-year-old missiles, the official said — and the Soviets will still have around 1,600 SS-20s left, enough to carry 4,800 warheads.

Indeed, the official told the *City Tribune*, Moscow need not even lose the 600 missiles. In the past year, the Soviets have been testing a new, improved version of the SS-20, dubbed the SS-20 Mod 2, with considerably improved accuracy. If this refined missile is produced at the same rate of 200 a year as the old, and the destruction of the 600 old SS-20s is strung out over 3 years, the Soviets will actually be able to conduct a modernisation of their force in the guise of a withdrawal, the administration source said. They will be making no net reduction at all.

The Kremlin has conducted such cosmetic withdrawals before, in Afghanistan, where, with much fanfare, troop divisions have been pulled out, only to be quietly replaced by fresh units.

Now the CIA, in a classified report obtained by the *City Tribune*, estimates that even with the new imaging radar reconnaissance satellite it will only have a 20 percent probability of detecting SS-20s in the field, so the United States will find it difficult to build a case for Soviet non-compliance.

The SS-20s have perfect cover in the form of the new SS-25 single-warhead, three-stage mobile intercontinental ballistic missile, which is a derivative of the SS-20. According to some analyses, the first two stages of the SS-20 and SS-25 are very similar, if not interchangeable, and the two can use the same transporter-erector trucks and base facilities.

Having been test-fired consistently over intercontinental range, the SS-25s are not covered by the intermediate-range treaty. Already the new SS-25s are being deployed to SS-20 bases, and one intelligence estimate is that the present 100 units will grow to 400.

One theory is that the Soviets have developed a modular "family" of mobile missiles, starting with the SS-16 of the 1960s, through the SS-20 to the SS-25, parts of which can be mixed and matched to various missions. According to this hypothesis, the various stages and transporters can be assembled like building blocks depending on the range of the targets they are to fire at, and the number and weight of warheads needed. Troops that train on one system are equally capable of operating the others.

William Van Cleave, a leading academic authority on strategic weapons, has long argued that the SS-25 is part of such a "family" of missiles.

The probable truth is that U.S. intelligence does not know enough about the details of any of these systems to form a firm assessment. The report that was obtained by the *City Tribune*, the *Soviet Land-Based Mobile Missile Study* done by the CIA's Critical Intelligence Problems Committee, delineated the problem in its executive summary when it said:

"There currently are large uncertainties in our knowledge of the deployment, operations and characteristics of Soviet mobile missiles."

Thus, some Washington analysts see the administration's situation as follows: A politically battered and bewildered President Reagan seems to have developed quite unwarranted enthusiasm for the pomp and ceremony of arms control and the feel-good effervescence of summitry. And advisers who should be cautioning him about the severe limits of verification are urging him on to sign a treaty that purports to regulate weapons it cannot count or even accurately characterize.

[Enclosure No. 18]
[From The Washington Inquirer, Dec. 18, 1987

TREATY SIGNED--CHEATING BEGINS

By PETER SAMUEL

The Soviets may have begun concealing a covert SS-20 force two or three years ago in preparation to evade the Intermediate Nuclear Force (INF) treaty. The deception is thought to have occurred already at two SS-20 bases in northern European U.S.S.R.

Defense authorities here name the two bases as Yurya and Verkhnyaya Salda, which are roughly northeast of Moscow, three-quarters of the way to the Barents Sea. The two are shown as SS-25 bases in the Pentagon's "Soviet Military Power" 1987 edition (page 25, upper map entitled "Nuclear Forces ICBMs"). The 1985 edition of "Soviet Military Power" showed these as SS-20 bases.

U.S. intelligence "lost" a brigade of 18 of the intermediate-range SS-20 missiles from each of Yurya and Verkhnyaya Salda sometime in 1985 or 1986. Satellite imagery no longer picked up evidence of the 36 SS-20 units earlier identified as located at these two bases. And it could not find them elsewhere.

Subsequently, the photo-analysts established that the new mobile intercontinental missile, the SS-25, was being deployed at each of these bases and so they are now classed as SS-25 bases. It is now thought likely that Yurya and Verkhnyaya Salda are the prototypes for the deception to be practiced at all SS-20 bases over the period during which these missiles are supposedly scrapped.

The garages formerly used to hold SS-20s and their launchers at Yurya and Verkhnyaya Salda were lengthened by 3 metres (10 feet). This accommodated the three-stage, intercontinental mobile missile, the SS-25.

(The SS-20 is a two-stage mobile missile which shares the first stage, at least, of the SS-25 and has been classified as intermediate-range because it has never been test-fired beyond the 5,000 km [ca. 3,500 miles] used in arms-control negotiations.)

The 36 SS-20s "lost" by U.S. intelligence may have been simply installed in the longer garages, so they could be multi-purpose. The two missiles, together with the early 1970s SS-16 mobile ICBM, are part of a modular family of mobile missiles that use the modernistic-styled, multiple-axled and large-wheeled MAZ-543 truck which erects its missile for firing, as well as transports it from one firing place to another.

The Soviets are thought to have produced around 2,300 SS-20 missile although the U.S. has counted only 44 deployed launcher units. The Soviets have told U.S. negotiators in Geneva they have around 1,000 of the missiles, counting the spares. If these 1,000 are destroyed in conformity with the INF treaty, about 1,300 will remain for covert deployment. The 2,300 have been manufactured over more than a decade at the Votkinsk plant, now manufacturing SS-25s. The oldest SS-20s can be scrapped as part of the Soviets' supposedly "faithful" implementation of the INF Treaty, allowing the remaining 1,300 to be intermixed with SS-25s.

Analysts say that the Soviets have recently tested a follow-on, improved SS-20 (called Mod A), which suggests they may intend to covertly replace the 1,000 or so older models they intend to scrap. They may plan to ship these out of the Votkinsk manufacturing plant (or make them elsewhere) in the longer SS-25 cannisters and pass them off as "legal" ICBMs.

A draft study of the INF produced for the American Security Council says that the scheme may be "the greatest Potemkin Village in arms-control history," which could enable the Soviets to continue their nuclear buildup unhindered, while creating the political environment in which western nuclear forces are severely drawn down.

A study, produced by Washington defense consultant Dr. Joseph Douglass, of the relationship between Soviet defense developments and arms-control practices notes a history of careful Soviet planning to evade treaty restrictions. The first example of this was the SALT I treaty which, in article II, attempted to ban a new heavy ICBM. U.S. signals intelligence, via a satellite-based system codenamed Gamma Guppy in May 1972, intercepted a phone conversation in which Soviet party chairman Leonid Brezhnev asked a top military man, Marshal Grechko, for assurances that they would still be able to deploy a new heavy missile, despite the limits on silo-size in the SALT I treaty. This turned out to be the SS-19 missile which, together with the SS-18, constitutes a major threat to U.S. retaliatory forces today.

Heavy SS-19s were designed to fit in the missile silos of the older SS-11 missiles, classified as light missiles.

Other examples of planning to evade arms-control treaties are the continued development and deployment of mobile ICBMs SS-16, SS-24 and SS-25 during the term of the SALT II treaty and development of new types of ICBMs.

[Enclosure No. 19]
[From New York City Tribune, Dec. 1, 1987

SOVIET ADMISSIONS OF MISSILES MOSCOW HID SHAKE CONFIDENCE OF U.S. IN VERIFICATION

WASHINGTON — In Geneva at recent negotiations on the prospective INF treaty, the Soviets acknowledged that in addition to about 450 deployed SS-20 and SS-4 missiles they have another 550 non-deployed missiles, making a total of around 1,000 they should dismantle.

The Soviets conceded they had deployed 120 SS-12 "Scaleboard" systems and, somewhat to the surprise of U.S. negotiators, they said they had about 50 SS-23s.

Washington has never publicly estimated that the Soviets have more than 20 of the 300-mile-range SS-23 "Spider" system, which like the SS-12 Scaleboard is mounted on a MAZ 543 transporter-erector-launcher (TEL) truck.

But following the summer shoot-up of a Military Liaison Mission team in East Germany after the two Americans had taken photographs of a previously unknown SS-23 brigade (with 18 firing units), U.S. intelligence officers are extremely uncertain about the numbers of these successfully concealed missiles.

The Soviets admitted in the recent negotiations that they have in addition to the 170 deployed short-intermediate-range missile units on TELs, around 750 non-deployed missiles of the same kind. Non-deployed missiles are those manufactured and kept in store, either:

● For use in test firing or dismantlement to monitor the readiness and reliability of the general stock of missiles.

● For use as refire missiles from the deployed launchers so there can be follow-on salvos after the deployed missiles have been shot off.

● For retention for covert deployment on their own unsighted launchers.

Intelligence estimates of deployed missiles are based on satellite photography of the silos and launchers and patterns of garaging and other buildings used to support the missiles. A senior U.S. government official last week told us that estimates of non-deployed or spared missiles is a hit and miss business — based on a variety of human sources, signals intelligence intercepts and observation of exercising patterns.

Another important way of deriving numbers of deployed missiles is estimates of the output of Soviet missile factories, based on information on materials going in, numbers of workers and such. In some cases the United States has had agents provide actual production plan numbers for missiles.

Soviet Missile Production

The Defense Intelligence Agency has produced the following production numbers for Soviet missiles — rounded to the nearest 50 at the request of our source:

● SS-4 — 2300,
● SS-5 — 300,
● SS-11 — 2200,
● SS-12 — 1800,
● SS-16 — 200,
● SS-20 — 2250,
● SS-23 — 250,
● SS-24 — 500,
● SS-25 — 600.

The SS-5, SS-11, SS-16, SS-24 and SS-25 are not covered by the INF treaty since all have been test-fired beyond the 5,000km (3,000 miles) maximum range for intermediate range designation. All are known to be variable range missiles that can quite easily be used to hit targets within their maximum range.

The numbers illustrate the enormous threat to Europe the Soviets pose through their circumvention of the INF treaty: targets can be hit by the longer range missiles, fired at less than their potential.

There is also great possibility for Soviet cheating by simply retaining stored missiles. The Soviet potential to cheat here is indicated in the discrepancy between Defense Intelligence Agency estimates of the numbers of Soviet missiles produced and the numbers the Soviets now admit to — and therefore commit themselves to dismantle.

On the basis of what the Soviets have acknowledged owning regarding INF missiles, they can be expected to say they are dismantling about 2,000 units, but they could retain as many as 2,000. Actually the number would probably be considerably smaller than this since the SS-4s included in this estimate are largely obsolete.

Of more concern, however, is the discrepancy between the DIA estimate of modern SS-20s, 2250, and the 900 approximate number acknowledged by the Soviets. Those demolished would be the oldest SS-20s, leaving a modern covert force of as many as 1,300 of these three warhead and highly accurate missiles.

The Soviets as well could leave over 1,000 shorter intermediate range SS-12s and SS-23s.

The CIA has reported: "The U.S. probability of detecting SS-20s in the field is estimated at only about 20 percent, once new night time and all-weather satellites are in orbit."

This identification of SS-20s would only be possible if the Soviets continue to deploy the missiles in tight-fitting distinctive canisters. Arms control specialists point out that the Soviets can rather easily avoid virtually all danger of U.S. detection of the SS-20s by deploying them in the SS-25 canisters.

The SS-25 is 3 meters (10 feet) longer, but shares the same first stage, so the SS-20 will fit conveniently in the longer canister and "look" exactly the same to satellite imaging. SS-25s are being deployed to SS-20 bases already so the intermingling of the two similar systems — the first quite legal under INF — will make it close to impossible for the United States to distinguish the two and make any convincing case of Soviet violations.

The mercurial Marshall Nikolai Ogarkov, now thought to command the European theaters of Soviet forces, is believed to have designed the INF evasion scheme now enshrined in a treaty being signed by Gorbachev and Reagan.

A former head of a directorate of Strategic Deception, a Chief Directorate of the Soviet General Staff, Ogarkov has had 6 years from the time of Reagan's embrace of the zero-zero option in 1981 to devise ways of hiding most of the SS-20 force and circumventing the treaty.

It hardly seems a coincidence that the Soviets should move to adopt the INF treaty just as the legal cover missile the SS-25 type — comes on line in numbers.

[Enclosure No. 20]
[From the New York City Tribune, Dec. 8, 1987]

SOVIET PLOY TO CIRCUMVENT INF PACT BEGAN WITH SECRET BASES 2 YEARS AGO

BY PETER SAMUEL
New York City Tribune Correspondent

WASHINGTON, Dec. 7 — The Soviets may have begun secreting a covert SS-20 force 2 or 3 years ago in preparation to evade the Intermediate Nuclear Forces (INF) treaty, defense authorities say.

The deception is thought to have occurred already at two SS-20 bases, Yurya and Verkhnyaya Salda, which are roughly northeast of Moscow three-quarters of the way to the Barents Sea.

The two are shown as SS-25 bases in the 1987 edition of the Pentagon's *Soviet Military Power* (page 25, upper map entitled "Nuclear Forces ICBMs"). The 1985 edition of *Soviet Military Power* showed these as SS-20 bases.

U.S. intelligence "lost" a brigade of 18 of the intermediate range SS-20 missiles from both Yurya and Verkhnyaya Salda some time in 1985 or 1986. Satellite imagery no longer picked up evidence of the 36 SS-20 units earlier identified as located at these two bases, and it could not find them elsewhere.

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The SS-20 is a two-stage mobile missile which shares the first stage at least of the SS-25 and has been classified as intermediate range because it has never been test fired beyond the 3,500 miles used in arms control negotiations.

The 36 SS-20s lost by U.S. intelligence may have been simply installed in the longer garages, so they could be used for a number of purposes. The two missiles, together with the early 1970s SS-16 mobile ICBM, are part of a modular family of mobile missiles that use the modernistic styled multiple axled and large wheeled MAZ-543 truck which erects its missile for firing, as well as transports it from one firing place to another.

The Soviets are thought to have produced around 2300 SS-20 missiles although the United States has counted only 441 deployed launcher units. The Soviets have told U.S. negotiators in Geneva they have around 1,000 of the missiles, counting the spares.

If these 1,000 are destroyed in conformity with the INF treaty, about 1300 will remain for covert deployment. The 2300 have been manufactured over more than a decade at the Volkinsk plant, now manufacturing SS-25s.

The oldest SS-20s can be scrapped as part of the Soviets' supposedly "faithful" implementation of the INF treaty, allowing the remaining 1300 to be intermixed with SS-25s.

Analysts say that the Soviets have recently tested a follow-on improved SS-20 (called Mod A) which suggests they may intend to covertly replace the 1,000 or so older models they intend to scrap. They may plan to ship these out of the Volkinsk manufacturing plant (or make them elsewhere) in the longer SS-25 canisters and pass them off as legal ICBMs.

A draft study of the INF produced for the American Security Council says that the scheme may be "the greatest Potemkin Village in arms control history," which could enable the Soviets to continue their nuclear buildup unhindered while creating the political environment in which Western nuclear forces are severely reduced.

A study produced by Washington defense consultant Dr. Joseph Douglass of the relationship between Soviet defense developments and arms control practice notes a history of careful Soviet planning to evade treaty restrictions. The first example of this was the Article II in the Salt I treaty, which called for the banning of a new heavy ICBM.

U.S. signals intelligence via a satellite-based system codenamed Gamma Guppy in May 1972, intercepted a phone conversation between Leonid Brezhnev and Marshall Grechko where the Soviet party chairman asked the top military man for assurances that they would still be able to deploy a new heavy missile, despite the limits on silo-size in the SALT I treaty.

This turned out to be the SS-19 missile which together with the SS-18 constitutes a major threat to U.S. retaliatory forces today.

Heavy SS-19s were designed to fit in the missile silos of the older SS-11 missiles, classified as light missiles.

Other examples of planning to evade arms control treaties include the continued development and deployment of mobile ICBMs SS-16, SS-24 and SS-25 during the term of the SALT II treaty and development of new types of ICBMs.

[Enclosure No. 21]
[From the Washington Post, Dec. 16, 1987]

U.S. MAY HAVE MISCOUNTED SOME SOVIET MISSILES

By Walter Pincus
Washington Post Staff Writer

U.S. intelligence agencies may have underestimated the number of 300-mile-range SS23 nuclear-armed missiles deployed by the Soviets in Eastern Europe and totally missed the placement of Soviet ground-launched cruise missiles in Latvia if data provided by Moscow as part of last week's Intermediate-Range Nuclear Forces (INF) Treaty proves correct, according to government and congressional sources who have analyzed the information.

On the other hand, the analysts said the data indicate that the Pentagon's Defense Intelligence Agency (DIA) for several years may have overestimated by more than 30 percent the overall size of the Soviet intermediate-range nuclear SS20 mobile missile force.

New and sometimes unexpected information on Soviet nuclear weaponry was contained in the "memorandum of understanding," signed by Soviet leader Mikhail Gorbachev and President Reagan, published as part of the treaty and released to the public last week.

It has since caused the DIA and the Central Intelligence Agency to review their past estimates, according to informed sources.

The data also have put new life in longstanding intelligence community disputes and promises to provide fuel to congressional critics of the treaty who argue the Soviets cannot be trusted.

After the INF Treaty takes effect, the Soviets will provide an updated data base and U.S. teams will carry out on-site inspections of listed facilities to verify the data.

Until early this year, according to sources, U.S. intelligence could confirm only that about 10 SS23 missiles had been deployed at a base in the western Soviet Union. Then, according to these sources, a second base was discovered by chance by a U.S. military attache in East Germany.

But last week, the Soviets reported a total of 82 SS23 launchers and 167 missiles deployed in East Germany and the western Soviet Union. Sources said two Soviet bases with nuclear missiles were unknown to the United States. "That just proves smaller missiles are tougher to find," a congressional intelligence expert said.

Soviet disclosures about its SSCX4 ground-launched cruise missile, which was not projected for deployment until 1988 or 1989, have caused the biggest stir in U.S. intelligence circles.

The Soviets said last week they had 84 of the 1,800-mile range missiles "in storage," and six launchers in a site near Jelgava, south of Riga, capital of Latvia. They said "elimination facilities" are at the same site. The Soviets describe their cruise missiles as "tested but not deployed."

One source said moving the weapons to Jelgava showed how easy it may be to hide a usable nuclear force. Another said it was likely the Soviets made the move from the Kapustin Yar test range south of Moscow to Latvia to keep U.S. inspection teams away from the test facility.

The SS20 controversy shows how the United States tried to deal with a missile never seen by reconnaissance satellites. In 1975, before the first SS20 was built, sources said, a U.S. spy in the Soviet Union said Moscow planned five missiles for each launcher. Caught and executed in 1979, the spy's early information guided subsequent U.S. estimates.

SS20 deployment was cloaked in secrecy; missile, transporter vehicle, and protective transport canister were never seen by the United States, which estimated the number of SS20s in the field by counting the garages for launchers and transporters.

"We counted garages, which we could see, not missiles," one intelligence sources said.

As the number of garages increased above U.S. projections, the CIA lowered its estimate of the "refire" SS20 force; DIA did not. Pentagon and DIA officials continued to insist on at least one extra "refire" SS20 for every deployed missile.

The Defense Department's 1985 edition of the unclassified "Soviet Miltary Power" estimates "about 400 deployed [SS20] launchers—with a . . . 3-warhead missile and reload." The 1987 edition indicated up to 900 SS20s in all, to go with the 441 missiles DIA reported as having been deployed.

This year's edition said that "the SS20 launcher can be reloaded and refired, and the Soviets stockpile refire missiles."

Last week, the Soviets reported having 650 SS20s, deployed or in some form of storage.

They said 405 of the mobile SS20s along with their launchers were deployed at 39 bases, 15 missiles with launchers were stored at 10 of those same sites, and 164 SS20 missiles were at two storage facilities.

In addition, 36 missiles were at the production facility and 29 missiles and 68 launchers were at an "elimination facility."

Senate critics of the INF Treaty have focused on the DIA numbers and charged, according to a congressional analysis done for one Republican legislator, "the Soviets may secretly be able to retain at least 250 more [SS20s]."

Treaty supporters said the Soviet numbers are within the range estimated by the CIA, and that the DIA estimates were wrong.

[Enclosure No. 22]
[From the Washington Times, Dec. 2, 1987]

MEDIUM-RANGE MISSILE COUNT PUT AT 2,000 BY THE SOVIETS

By Warren Strobel
THE WASHINGTON TIMES

As the first step in the long, complex process to guard against cheating on the treaty the superpowers will sign next week, the Soviet Union has told U.S. negotiators that it has about 2,000 medium-range missiles, two-thirds of them undeployed, concealed in storage.

Such figures, also supplied by the U.S. side, are crucial to ensuring that both nations eliminate their full complement of Intermediate-range Nuclear Force (INF) weapons. This data exchange will be double-checked in the first of many on-site inspections called for by the accord.

Yet the Soviet characterization of its own arsenal — about 1,000 long-range and 920 short-range INF missiles — elicited differing responses from U.S. government officials when it was delivered last month.

Some said the data match estimates made by various U.S. intelligence agencies.

"The numbers were in our range of estimates, our range of uncertainties," said one administration official.

"The data that we have from the Soviet Union are credible in the sense that they are very much in line with our own intelligence estimates," Secretary of State George Shultz said Sunday.

But a former Senate Intelligence Committee aide, Angelo Codevilla, now a scholar at Stanford University's conservative Hoover Institution, asked, "How do we know that they have not simply given us the numbers that U.S. intelligence has come up with?"

Mr. Codevilla said the CIA estimated the Soviet SS-20 force, the bulk of its long-range INF arsenal, at 1,000 missiles, roughly what the Soviets are now reporting.

However, the Defense Intelligence Agency — whose figures are often larger than the CIA's on Soviet military forces — estimates total SS-20 production at 2,250 operational, reserve, test and training missiles, according to a U.S. government source.

"The [Soviet] numbers don't match with what we have in classified," said the source, who spoke on condition of anonymity. "They blow your mind."

Unclassified Pentagon estimates show the Kremlin as having 353 long-range INF missiles deployed on launchers — 441 triple-warhead SS-20s and 112 aging SS-4s. But the Soviets told U.S. officials they have only a total of 450 deployed long-range INF missiles, with 550 more in storage.

In the shorter-range INF category, the Soviets say they have 120 SS-12/22 "Scaleboard" missiles on launchers and 80 SS-23s — 30 more than U.S. intelligence estimates.

"Especially surprising," according to the government source, is the Soviets' admission that they have about 750 undeployed short-range INF missiles. "The Soviet data exchange has severely undermined verifiability," he said.

[Enclosure No. 23]
[From the New York City Tribune, Jan. 27, 1988]

HELMS AND SHULTZ ARE IN HIGH-STAKES DUEL OVER VERIFIABILITY OF PACT, MISSILE NUMBERS

BY PETER SAMUEL
New York City Tribune Correspondent

WASHINGTON, Jan. 26 — While Republican and Democratic senators joined forces today seeking to discredit him, Sen. Jesse Helms, R-N.C., has engaged Secretary of State George Shultz in a high-stakes battle over the ratification of the INF treaty.

At today's testimony before the Senate Foreign Relations Committee, the top U.S. arms control negotiators at Geneva, Max Kampelman and Maynard Glitman, said the treaty achieves the goal of eliminating Soviet medium-range missiles as a military threat to Western Europe and a political threat to the stability of the NATO alliance.

They told the committee that destruction of the missiles is the crucial provision because that meant that warheads could no longer be delivered to their targets.

Destroying the warheads themselves might be dangerous, Kampelman and Glitman said, because secret U.S. nuclear weapons designs might be exposed to Soviet inspection. They also cited the risk of radiation contamination throughout Europe.

With other senators siding against him, Helms pressed his claim "that contrary to some public assertions, the treaty does not destroy even one nuclear warhead."

"A missile is a carrying case and the warhead is the thing that goes 'boom' and kills you," Helms declared. "A missile doesn't kill you unless it falls on your head and cracks it open."

Kampelman said the treaty does permit removal of fissionable material and guidance systems before U.S. and Soviet missiles are destroyed by crushing them, burying them underground or exploding them after an aerial launching.

"The fissionable material by itself is not dangerous," Kampelman said. "The danger involved is when it is linked to that which shoots it, directs it, causes it to explode. A big section of the warhead does get destroyed, does get crushed."

Helms, though, has saved his wrath for Shultz, who has given ratification of the treaty high priority in the final year of the Reagan administration. Helms and his staff are deeply committed to the view that the treaty is detrimental to the security of the United States and its allies, and say, privately, the treaty is being sold with lies.

They say that the administration is misleading the American people on two central issues summed up in the terms: "Monitorability" and "Only 650?" SS-20s.

Monitorability refers to the ability of United States intelligence and verification inspectors to adequately track and identify Soviet missiles and detect violations. The "Only-650?" issue refers to the credibility of the Soviets' declaration that it has only 650 SS-20 missiles, which will be destroyed under the terms of the INF treaty.

The public has been shown only the tip of the iceberg of this dispute, the senator says, and on Monday he illustrated his point during the public hearings by having an aide walk across the room and deliver to Shultz a top secret report, which Helms said was of "paramount importance to our national security."

In a press release he said earlier that if the classified material was legitimate he would question "whether there should be further Senate action at this time on the proposed treaty."

Helms said he wanted confirmation from Shultz that the document was genuine and that he and the president knew its contents. Shultz declined to open the document, citing the presence of cameras in the room. Helms then suggested that the top secret folder contained material attached to a letter he had written him.

Shultz picked up: "Well, it is . . . it represents itself as being a set of quotations from highly classified materials that are in the hands of the intelligence people."

Helms: "Yup."

Shultz: "And how you came to have that, I have no idea. You have better access than I do to whatever they [the intelligence people] are doing . . ."

The Secretary of State then said that, from what he had been able to ascertain, the problems raised in the secret reports "can be dealt with satisfactorily" but this should be discussed with the intelligence people in closed session.

Helms responded that he was encouraged Shultz had read his letter. He then put into the Senate record that he had received a hand-delivered letter from CIA Director William Webster which included the statement: "We have reviewed the highly sensitive classified information cited in the attachment to your letter.

"This information is, in fact, contained in a recent draft of *Volume Two of The National Intelligence Estimate 4/11-88*. The information is substantively accurate, although the final wording in the published version, will, in some cases, be slightly different."

Helms in his letter to Webster charged that the secret material "discloses a major violation by the Soviet Union of the proposed treaty on Intermediate Nuclear Forces."

Officials have been unusually reticent in commenting on the content of the secret materials, but the indications are that they bear in part on two matters already reported in the *City Tribune* in the series published November 13, 16, 17 and 18.

These refer to:

- the intelligence community's great difficulty in detecting mobile Soviet missiles and its need for considerably increased resources in order to be able to detect and identify them with confidence,
- indications from U.S. intelligence that the INF-banned SS-20 missile is being covertly deployed with its slightly longer and INF-allowed "cousin," the SS-25.

Two former SS-20 bases in the western Soviet Union, Verkhnyaya Salda and Yurya have been gradually converted to SS-25 bases, U.S. intelligence has reported. The SS-25 canisters and garages, which are 10 feet longer than those for the SS-20, over the years 1984 to 1987 displaced the shorter canisters and garages identified as those to hold SS-20s. Analysts in Washington concluded the bases were being converted from the SS-20s to intercontinental SS-25s. U.S. intelligence reported that 36 SS-20s that were thought to be "lost," disappeared from these bases.

Another interpretation is that the same SS-20 missiles were simply moved into the longer canister and garages identified with SS-25s and were given 10 feet of "rattle room" as part of Soviet plans to test their ability to hide their intermediate range force.

In his opening statement today, Senate Republican Leader Robert Dole said he supported ratification of the treaty but said U.S. intelligence would need more resources to do the job.

"The intelligence chiefs I consulted assured me that, with adequate resources, and I underscore that, they can do the verification job," Dole said. "We may well need to beef up our own capability to ensure effective verification."

This is an apparent allusion to intelligence assessments that the United States would only have about a 20 percent probability of detecting an illegally deployed SS-20, and that a principal surveillance system needed to search for mobile missiles — the Indigo-LaCrosse infrared imaging satellite — has been grounded by the space shuttle disaster and the lack of any U.S. heavy-lift launch capability.

A Mobile Missile Task Force Intelligence Requirements and Analysis Working Group (IRAWG) report dated Dec. 11, 1986 and addressed to the director of central intelligence said: "Our current capability to meet adequately the demands placed on our resources to address effectively the mobile missile problem is limited. . . A true capability to locate, identify and track mobile missiles is evolutionary and will require significant enhancement over present capabilities. . . It is clear that development of strategies to improve our capabilities will require

many more experts than are currently available."

The "Only-660" issue bears heavily on the credibility of the administration, because in its desire to get the treaty ratified, it is endorsing the Soviets' declaration that they have only 660 SS-20s to destroy. Yet, the record is replete with earlier statements by the administration emphasizing that the SS-20 system was built and deployed to reload and refire.

The Pentagon's *Soviet Military Power* publication has always said this, and its pictorial representations of SS-20 units in action have usually shown reload units. The number of reload missiles per ready-to-fire missiles atop their transporter-erector launcher trucks, has been estimated between one and four.

Even with the low estimate of one reload missile per deployed missile, there would, with the administration's count of 441 deployed missiles, be 882 missiles. In addition to those in the field, every missile system has its stockpile of missiles held for test firing and replacement of those that get damaged from the rigors of deployment.

This has led the Defense Intelligence Agency to estimate the SS-20 count to be around 1,650, with other estimates based on Soviet plans for four regiments of 2,200.

A memorandum from Helms to his colleagues dated Jan. 25 discusses this issue at length on pages 22 and 23. It says that the DIA has "assumed that the SS-20 force was close to and even over 1,000." It goes on to say some intelligence analysts have estimated the numbers as high as 2,250 and adds: "This number is a derived number, not a detected number; but it is based upon some very reasonable assumptions and intelligence information..."

[Enclosure No. 24]
[From the Washington Times, Feb. 1, 1988]

SPY AGENCIES DISAGREE ON NUMBER OF SS-20'S

By Bill Gertz
THE WASHINGTON TIMES

U.S. intelligence analysts have been unable to agree on the number of SS-20 nuclear missiles to include in the latest estimate of Soviet missile forces, according to administration and congressional officials.

The SS-20 is the primary missile to be eliminated under the terms of the U.S.-Soviet intermediate nuclear forces treaty, and Defense Secretary Frank Carlucci is expected to face tough questioning about the intelligence disagreement when he appears today before the Senate Foreign Relations Committee.

Mr. Carlucci's testimony kicks off the Foreign Relations panel's second week of ratification hearings on the INF treaty.

The differences among State Department, Pentagon and CIA analysts over the number of SS-20 mobile nuclear missiles have forced a delay in the release of a national intelligence estimate, an interagency report that was scheduled for completion last week, said the administration and congressional officials who declined to be named.

Opponents of the INF treaty seized upon the dispute last week during Senate ratification hearings.

Sen. Jesse Helms, North Carolina Republican and a leading critic of the accord, claimed that the uncounted SS-20s — triple-warhead, mobile missiles with a range of about 3,000 miles — are part of a "covert" force. In a hearing Thursday, he charged that the intelligence community had modified its estimates of SS-20 production to conform to Soviet data.

According to the officials, a draft intelligence estimate now being debated among U.S. analysts states that the Soviets have produced 950 SS-20s — 300 more than Soviet negotiators declared during INF talks.

The INF treaty figure of 650 includes 405 operational systems and an additional 245 "non-deployed" missiles stored in huge warehouses at several locations in the central Soviet Union.

The Defense Intelligence Agency has resisted efforts to modify the position of a July intelligence estimate that lists the number of Soviet SS-20s at 950 missiles, officials said. The figure is the agreed estimate that was derived from a compromise between lower estimates by the State Department and CIA and a higher DIA figure, they said.

According to one official, the DIA believes the Soviets have produced between 1,000 and 1,200 SS-20s.

The State Department and CIA initial estimates of the total number of SS-20s, officials said, were revised last fall from a number below 600 to about 700 — after Soviet negotiators revealed that 650 SS-20 were produced.

State Department analysts dismissed the fact that the Soviets supplied four different sets of INF numbers during negotations last fall as the result of "bureaucratic confusion" among Soviet negotiators, the official said.

Adm. William Crowe, chairman of the Joint Chiefs of Staff, told the Senate Armed Services Committee in a parallel ratification hearing last week that the U.S. intelligence community had estimated that the Soviets could have as many as 300 SS-20s beyond those declared in the INF treaty.

And chief U.S. arms negotiator Paul Nitze, in testimony Thursday before the Senate Foreign Relations Committee, made the unusual public disclosure that the three agencies were at odds over the the number of deployed and non-deployed SS-20 missiles.

But he sought to minimize the importance of any SS-20s not declared by the Soviets in the INF pact by arguing that any undeclared missiles would not be militarily reliable.

In a prepared statement for the Foreign Relations Committee yesterday, Gen. Alexander Haig, a retired NATO commander who is now a GOP presidential aspirant, declared his opposition to the INF treaty "even if the warheads were to be destroyed and even if verification was far more stringent."

Gen. Haig noted: "In my view, the INF treaty ... weakens rather than strengthens deterrence against war."

Another former NATO commander, Gen. Bernard Rogers, said Friday that the INF treaty has given him "gas pains" because of its impact on deterring conventional war and because of problems with verifying Soviet compliance.

Gen. Rogers said the U.S. spy satellites, known as National Technical Means, were unable to confirm whether the Soviets dismantled more than two dozen SS-20s bases several years ago.

"Using national technical means, we watched them remove 27 missiles from the garages, and we have never been able to find them since then," he told a National Press Club luncheon. "But we have continued to give them credit for them since then because we haven't seen them destroyed."

[Enclosure No. 25]
[From the Wall Street Journal, Feb. 3, 1988]

REVIEW AND OUTLOOK--CRIMSON WHALES

When Senator Jesse Helms raised questions at the INF treaty hearings last week, he was accused of offering a "crimson whale," a cousin of the "red herring." While it may be in the interest of treaty supporters to portray Mr. Helms as some Monster from the Deep, his whales nonetheless have kept beaching themselves atop the treaty this week.

Consider the confusion over the SS-20, the major weapon the Soviets are supposed to remove if the treaty is ratified. The administration can't seem to figure out how many SS-20s the Soviets really have. Last July the CIA and State Department estimated the Soviets had 550, while the Defense Intelligence Agency, or DIA, figured 1,200. When INF was signed last November, the Soviets said 650. Just last month, however, the CIA and State Department reached new estimates of 700, while DIA stuck with 1,200. The "national intelligence estimate," a consensus view, is 950.

Grade-school arithmetic can tell you that if the Soviets chop up 650 missiles out of 950 they will have 300 left under the zero-option agreement. The administration argues that this is a tempest in a teapot, since the Soviet figure of 650 is "within the range of our uncertainties." We wonder how many Americans would be surprised to learn that the supposedly verifiable INF agreement depends on a "range of uncertainties," extending from zero to 300, not to mention 550 if the high DIA estimate happens to be right.

The much-advertised "on-site inspection" of Soviet bases might help us verify the number of SS-20s, of course, except that the inspection sites are specified by the treaty. If the Soviets ever want to cheat, all they have to do is put the missiles where the inspectors aren't allowed to go.

Another Helms whale was Article 14, the "non-circumvention" clause. This says the U.S. and Soviets "shall not assume any international obligations or undertakings" that would violate the treaty. That sounds simple enough, but several senators are wondering if it isn't an ambiguity big enough for the Soviets to drive a reinterpretation through.

"What is the purpose of this language?" Senator Dan Quayle asked in his opening statement last week. The plausible concern is that the clause could keep the U.S. from selling its allies technology that they need to defend themselves. Indeed, the Soviets already are saying INF prohibits the U.S. from modernizing the shorter-range nuclear weapons that will remain in Europe after INF is implemented.

The concern is heightened because the paragraph wasn't even in the treaty until late last November. "Who insisted on Article 14, by the way? They or us?" Senator Helms asked Defense Secretary Frank Carlucci on Monday. Replied Mr. Carlucci: "They wanted a real non-circumvention clause, and our negotiators negotiated them down to this kind of a provision." Mr. Carlucci dismissed the Soviet claims that INF prohibits NATO modernization as "pure nonsense" and "propaganda." The Reagan administration said similar things about the ambiguities in the 1972 ABM Treaty, only to find Senator Sam Nunn arguing that the Soviet interpretation was more correct.

INF also removes U.S. ground-launched cruise missiles from Europe, but what about air-launched or sea-launched cruises? Since the guidance systems are similar in all three types, are we also banned from providing them to our allies? Cruises are essential, of course, because they can carry *conventional* warheads, and thus defend Europe without threatening a nuclear exchange. But the U.S. gave up *all* ground-launched cruises as part of the INF because we said it was impossible to distinguish between nuclear and conventional. And on Monday Senator Joe Biden already was arguing that the same logic should apply to air-launched or sea-launched cruises in the START talks.

Unlike presidential dropout Biden, of course, Senator Helms is supposed to be off-the-wall. His original "crimson whale" was the issue of whether the treaty calls for the destruction of any nuclear warheads. It doesn't, as Mr. Carlucci explained at length: "The warhead essentially consists of the physics package—high explosives, highly enriched uranium, plutonium. That package, consistent with other weapons systems that have been destroyed, could either be reused or, depending on the circumstances, recyled." Keeping warheads is a good part of the treaty, he explained, because the Soviets can produce new ones easier than we can.

So Senator Helms's whales are that the treaty doesn't eliminate any nuclear weapons, that we can't verify it well enough to say whether remaining Soviet SS-20s missiles will be zero or 550, and that it's ambiguous enough to be interpreted as cutting NATO allies off from technical assistance for the most modern conventional weapons. Senator Helms, it would appear to us, is the last one whose face should be crimson.

[Enclosure No. 26]
EXCERPTS FROM SENATE ARMED SERVICES COMMITTEE HEARING OF JANUARY 25, 1988

SEN. ARMED SVCS CMTE-01/25/88 25-1 ( )
INF TREATY-CARLUCCI, CROWE-P.M.

awaiting their response.

CHAIRMAN NUNN: Senator Humphrey?

SEN. HUMPHREY: Thank you, Mr. Chairman. Admiral Crowe, when you and I spoke earlier, one of the matters we discussed was the fact that the treaty doesn't cover warheads -- each party is free to do as it wishes with its warheads. One question that comes to mind immediately, of course, is in the view of the Joint Chiefs, can any of the warheads, which the Soviets will remove from those weapons covered by the INF Treaty, they used on other weapons not covered by the INF Treaty not covered by the INF Treaty. The answer to that question is yes?

ADM. CROWE: Yes.

SEC. CARLUCCI: Can I elaborate on that?

SEN. HUMPHREY: Well. I'm on a very short time here. The Chairman runs a tight ship, as you know, and I want to make the best -- put the best face on it, Mr. Secretary --

ADM. CROWE: Incidentally, we have the same privilege.

SEN. HUMPHREY: Our job is to try to, you know, satisfy ourselves, not to sell this thing.

ADM. CROWE: But with the warheads we would have the same --

SEN. HUMPHREY: Yeah, I understand that, but I trust us and I don't trust them.

ADM. CROWE: Well, I don't know if this is a matter of trust. I don't --

SEN. HUMPHREY: Well, trust me. (Laughs.) What warheads can be used on what weapons?

ADM. CROWE: Well, you can use the guidance package or the physics package or the material for other weapons.

SEN. HUMPHREY: But with what degree of difficulty? I mean, can these be bolted on existing or anticipated weapons or does it require a remolding of the --

ADM. CROWE: Yes, you would have to rework, et cetera, et cetera, and they will, too.

SEN. HUMPHREY: I'm talking about them, not us.

ADM. CROWE: Yes.

SEN. ARMED SVCS CMTE-01/25/88 25-2 ( )
INF TREATY-CARLUCCI, CROWE-P.M.

SEN. HUMPHREY: So there's nothing that can be just boltec on another weapon?

ADM. CROWE: As far as I know, no.

SEN. HUMPHREY: Well, that's an important point. I mean, the Department of Defense has carefully examined that point, I hope.

ADM. CROWE: Well, yes, but there are a lot of things we don't know about their systems as they don't know about ours.

SEN. HUMPHREY: Yes, of course. You can't know that with certainty. So they are free, in any event, and you say, with remolding -- then the answer's obvious, with remolding, any fissionable material can be used on any weapon that's not covered by the treaty. Okay. I want to -- Admiral, I want to pursue a little bit further the SS-20 data package discrepancy. For a number of years, the Department of Defense's "Soviet Military Power" book, including in the '87 edition, you folks have been saying that the Soviets have deployed 441 SS-20 launchers. And that's even after converting some of the SS-20 units to SS-25s. You were saying, as recently as the '86 edition,

CONTINUED ON PAGE 26-1

that there are 441 SS-20 launchers. Where does that estimate come from?

ADM. CROWE: The 441?

SEN. HUMPHREY: Yes. Do you know what I'm referring to here? This --

ADM. CROWE: Yes.

SEN. HUMPHREY: -- Military Power.

ADM. CROWE: That came out of our intelligence community.

SEN. HUMPHREY: Now the Soviets, in their data package, tell us they have 459 deployed SS-20 launchers; correct?

ADM. CROWE: My figures don't -- yeah, I have 405, Senator.

SEN. HUMPHREY: That's missiles; is it not? 405 missiles?

ADM. CROWE: No. deployed launchers and deployed missiles.

SEN. HUMPHREY: Both the same number?

ADM. CROWE: Well, I'm afriad that that's not exactly right -- Yes, deployed missiles; right. Yes, it would be the warheads that would be different. And that was in accord with what we thought it was.

SEN. HUMPHREY: The deployed missiles is -- and launchers are the same number; is that correct?

ADM. CROWE: Yes.

SEN. HUMPHREY: Well, if they -- all right, so let's say they have 405. We thought they had 441; they say they have 405. What has been the rule of thumb, estimate, on the number of warhead -- excuse me, the number of missiles -- what has been the rule of thumb on the number of reloads per launcher in our intelligent estimate?

ADM. CROWE: It depends --

SEN. HUMPHREY: Is it one to two?

ADM. CROWE: It depends on the -- one to two, somewhere in there, depending on the agency et cetera, et cetera.

SEN. HUMPHREY: That's been our estimate. What has been the DIA estimate on the number of missiles for reload -- per launcher?

SEN. ARMED SVCS CMTE-01/25/88 26-2
INF TREATY-CARLUCCI, CROWE-P.M.

ADM. CROWE: Yes, two reloads. DIA has -- (is interrupted by someone, presumably staff, talking to him off-mike) -- one reload. Okay, that's DIA.

SEN. HUMPHREY: DIA has been estimating one reload. That would -- that would imply 810 missiles, right? If that estimate were correct? And the Soviets say they have -- how many? (Pauses to look through documents.)

(Someone speaks off-mike to Admiral Crowe)

ADM. CROWE: (Apparently to staff) I understand that, but DIA actually comes out with 580 --

SEN. HUMPHREY: That would imply 810 missiles, and the Soviets say they have 523.

ADM. CROWE: That's about right; yes, sir.

SEN. HUMPHREY: So we estimate --

ADM. CROWE: It comes out with a difference somewhere between 165 and 300.

SEN. HUMPHREY: Somewhere between 165 and 300 --

ADM. CROWE: Yes.

SEN. HUMPHREY: -- we have always felt -- we have always felt they had --

ADM. CROWE: DIA feels that way.

MR. : It's one agency.

SEN. HUMPHREY: (Laughs) We have always felt that they had somewhere

SEN. ARMED SVCS CMTE-01/25/88 27-1 (DE.
INF TREATY-CARLUCCI, CROWE-P.M.

between 165 and 300 more missiles than they claim they have.

ADM. CROWE: Well, we -- you say, "always felt." That figure was what they felt, and it came out to be that more --

SEN. HUMPHREY: Yeah, I understand.

ADM. CROWE: -- given the figures they had.

SEN. HUMPHREY: And that's the problem that you have with the SS-20 data package?

ADM. CROWE: That is correct. Yes.

SEN. HUMPHREY: Well, that's a pretty big problem. Was that just brushed under the rug? Or how was that dealt with?

ADM. CROWE: Well, we're dealing with it now, Senator. We've got to deal with it. That's --

SEN. HUMPHREY: How are we dealing with it?

ADM. CROWE: Well, we've got a number of procedures here that we're going to go through, et cetera. And we have no -- incidentally, two agencies do not agree with that figure. They agree with -- that the figure that has been given to us by the Soviets is within the range.

SEC. CARLUCCI: Senator, I know you may not want to hear from me, but I spent a number of years in the intelligence community --

SEN. HUMPHREY: No. As much as I like you and respect you, my time is up, even now. Lots of things I'd like to discuss with you, but I'm going to have play by the rules here I guess. I'm sorry.

CHAIRMAN NUNN: I would say that Secretary Carlucci's been trying hard to answer this question. We'll permit that --

SEN. HUMPHREY: Well, on the Committee's time of course.

CHAIRMAN NUNN: We'll permit it on the Committee's time.

SEC. CARLUCCI: I think we have to be clear here that intelligence is not an exact science, that there are uncertainties in any intelligence estimates, and situations change. Our capabilities change. And in my years in the national security business, I've never seen the intelligence agencies uniformly agree on a set conclusion. There are always differences. The question is whether the differences are sufficiently serious for us to say this is a major violation. And the answer to that question is: No. it's something that we're going to have to resolve in the baseline

inspection. It's something that will be resolved over a period of time. If they have these missiles. they cannot keep them hidden, certainly in a useful fashion, over a period of time.

SEN. HUMPHREY: They have so far.

SEC. CARLUCCI: Sir?

SEN. HUMPHREY: We haven't ever seen an SS-20. We've seen garages. but we haven't seen the missiles. So they are very good at hiding them.

SEC. CARLUCCI: Well, they may be able to hide some, but over a period of time, if they can't test them, they lose their military utility.

SEN. HUMPHREY: Yeah, but that doesn't tell you how many they have.

CHAIRMAN NUNN: Senator Glenn.

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data. At the summit, General Secretary Gorbachev in my presence proposed that we get on with conventional negotiations. It was pointed out to him that we had not been able to get the necessary data from the Soviets, and he then said well, let Carlucci and Yasov get together and they can compare notes and decides what asymetries exist and they can tell us if these imbalances exist.

As I indicated, I do not think you were here in response to another question. I have agreed to meet with Yasov and if we want to compare notes on data bases that is fine. You have to bear in mind that conventional negotiations are dealt with in a multilateral forum. We are talking about very complex negotiations now shifting from MBFR to a 23 country forum on our side where we have to develop a mandate.

These are long and complex efforts that have been tied to CSCE and to introduce this kind of negotiation as some kind of a condition on ratification of the INF Treaty would in effect be a killer amendment in my judgement.

The Chairman: Senator Kennedy, I think we better call it at that time. Do you need to follow up briefly?

Senator Kennedy: Just on the other point. I appreciate that response which I think is very helpful.

Can you tell us in the wake of the summit, is there follow up on the basis of the proposals of direct military to military?

Secretary Carlucci: I have made a proposal to the Soviets on a meeting with Marshall Yasov and I am awaiting their response.

The Chairman: Thank you, Senator Kennedy. Senator Humphrey.

Senator Humphrey: Thank you, Mr. Chairman. Admiral Crowe, when you and I spoke earlier, one of the matters we discussed was the fact that the Treaty does not cover warheads. Each party is free to do as it wishes with its warheads.

One question that comes to mind immediately of course is in the view of the Joint Chiefs, can any of the warheads which the Soviets will remove from those weapons covered by the INF Treaty be used on other weapons not covered by the INF Treaty?

Admiral Crowe: Yes.

Senator Humphrey: The answer to that question is yes?

Admiral Crowe: Yes.

Secretary Carlucci: Can I elaborate on that?

Senator Humphrey: Well the Chairman runs a tight ship as you know, and I know you want to put the best face on it, Mr. Secretary.

Admiral Crowe: Incidentally, we have the same privilege.

Senator Humphrey: Our job is to try to satisfy

ourselves, not to sell this thing.

Admiral Crowe: But with the warheads, we would have the same.

Senator Humphrey: I understand that. But I trust us and I do not trust them.

Admiral Crowe: Well I do not know if this is a matter of trust.

Senator Humphrey: Well trust me. What warheads can be used on what weapons?

Admiral Crowe: Well you can use the guidance package or the physics package or the material for other weapons.

Senator Humphrey: With what degree of difficulty? Can these be bolted on existing or anticipated weapons, or does it require remolding?

Admiral Crowe: You would have to rework it, and they will too.

Senator Humphrey: I am talking about them, not us.

Admiral Crowe: Yes.

Senator Humphrey: So there is nothing that can just be bolted on another weapon?

Admiral Crowe: As far as I know, no.

Senator Humphrey: That is an important point. The Department of Defense has carefully examined that point, I hope.

Admiral Crowe: Yes. But there are a lot of things that

we do not know about their systems, as they do not know about ours.

Senator Humphrey: Of course, you can not know with certainty. So they are free in any event, and you say with remolding then, the answer is obvious. With remolding, any fissionable material can be used on any weapon that is not covered by the Treaty.

Okay. Admiral, I want to pursue a little bit further the SS-20 data package discrepancy. For a number of years in the Department of Defense's Soviet military power book, including in the 1987 edition, you folks have been saying that the Soviets have deployed 441 SS-20 launchers. And that is even after converting some of the SS-20 units to SS-25. You were saying as recently as the 1987 edition that there are 441 SS-20 launchers.

Where does that estimate come from?

Admiral Crowe: The 441?

Senator Humphrey: Do you know what I am referring to here?

Admiral Crowe: Yes. That came out of our intelligence community.

Senator Humphrey: Now the Soviets in their data package tell us they have 459 deployed SS-20 launchers, correct?

Admiral Crowe: I have 405, Senator.

Senator Humphrey: That is missiles, is it not, 405

missiles?

Admiral Crowe: No, deployed launchers and deployed missiles.

Senator Humphrey: Both the same number?

Admiral Crowe: Deployed missiles, right. It would be the warheads that would be different. And that was in accord with what we thought it was.

Senator Humphrey: The deployed missiles and launchers have the same number, is that correct?

Admiral Crowe: Yes.

Senator Humphrey: Well, all right. So let's say that they have 405. We thought they had 441, they say they have 405. What has been the rule of thumb estimate on the number of missiles, what has been the rule of thumb on the number of reloads per launcher in our intelligence estimate?

Admiral Crowe: It depends on, one to two, somewhere in there, depending on the agency.

Senator Humphrey: That has been our estimate. What has been the DIA estimate on the number of missiles for reload per launcher?

Admiral Crowe: Two reloads.

Senator Humphrey: DIA?

Admiral Crowe: One reload, that is DIA.

Senator Humphrey: DIA has been estimating one reload. That would imply 810 missiles, right, if that estimate were

correct and the Soviets say they have, that would imply 610 missiles and the Soviets say they have 523.

Admiral Crowe: That is about right. It comes out with a difference of somewhere between 165 and 300.

Senator Humphrey: Somewhere between 165 and 300. We have always felt they had--

Admiral Crowe: DIA, that's one agency.

Senator Humphrey: We have always felt they had somewhere between 165 and 300 more missiles than they claim they have?

Admiral Crowe: You say always felt, that figure was what they felt, and it came out to be that.

Senator Humphrey: And that is the problem that you have with the SS-20 data package?

Admiral Crowe: That is correct.

Senator Humphrey: Well that is a pretty big problem. Was that just brushed under the rug, or how was that dealt with?

Admiral Crowe: We are dealing with it now Senator. We have got to deal with it.

Senator Humphrey: How are we dealing with it?

Admiral Crowe: Well, we have a number of procedures here that we are going to go through etcetera, and incidentally, two agencies do not agree with that figure. They agree that the figure that is being given to us by the Soviets is within the range.

Secretary Carlucci: Senator, I know you may want to hear from me, but I have spent a number of years in the intelligence community--

Senator Humphrey: Well, my time is up, even now. There are lots of things that I would like to discuss with you both. But I am going to have to stop now, I am sorry.

The Chairman: I would say that Secretary Carlucci has been trying hard to answer this question. We will permit that.

Senator Humphrey: On the committee's time?

The Chairman: Sure. We will permit it on the committee's time.

Secretary Carlucci: I think we have to be clear here that intelligence is not an exact science that there are uncertainties in any intelligence estimate and situations change, our capabilities change. And in my years in the national security business I have never seen the intelligence agencies uniformly agree on a set conclusion. There are always differences. The question is whether the differences are sufficiently serious for us to say this is a major violation.

The answer to that question is no. It is something that we are going to have to resolve in the baseline inspection. It is something that will be resolved over a period of time. If they have these missiles, they can not keep them hidden.

certainly in a useful fashion.

Senator Humphrey: They have so far. We have never seen an SS-20. We have seen garages, but we have not seen the missiles. So they are very good a hiding them.

Secretary Carlucci: They may be able to hide some, but over a period of time, if they can not test them they lose their military utility.

Senator Humphrey: But that does not tell you how many they have.

The Chairman: Senator Glenn.

Senator Glenn: Thank you, Mr. Chairman. We are talking strategy today and we tend to get on a lot of details which are fine in carrying out that strategy. Almost every major conflict has reflected an economic problem or concern of either perceived or real. And we are much more likely to have military hot spots I think around some of these economic hot spots. We tend to concentrate on Europe and NATO as a result of that, but we look back in history and Hitler had his liebens round living room proposals that led to World War II and the Japanese had the greater East Asia coprosperity.

They were all economic in base is the point. The place where we have a greater economic interest right now it seems to me than almost anywhere in the world is that 70 percent of the world's oil reserves that are in the Persian Gulf. And the Persian Gulf comes closer to being an economic hot spot

[Enclosure No. 27]
[From the Washington Times, Jan. 29, 1987]

INF TREATY SAFEGUARDS UNPRECEDENTED--NITZE

By Mary Belcher
THE WASHINGTON TIMES

The U.S.-Soviet treaty banning intermediate-range nuclear weapons contains "the most comprehensive and intrusive" safeguards against cheating in arms control history, President Reagan's top arms adviser told Congress yesterday.

"This does not, of course, guarantee that some INF missiles cannot be hidden away somewhere within the great expanses of the Soviet Union," Paul Nitze told the Senate Foreign Relations Committee. "No verification regime could provide such assurance.

"It does, however, ensure that the Soviets could maintain a clandestine, militarily significant force only at great cost and risk, and with steadily decreasing reliability," he said.

"Without the ability to flight-test the missiles, the Soviets would question the effectiveness of these forces and their military value, especially over time."

The treaty would allow U.S. and Soviet experts to inspect one another's medium-range missile sites on short notice, provide continuous exchanges of information, and end all activities related to medium-range missile production and deployment.

Sen. Jesse Helms, North Carolina Republican, however, said the treaty is full of "loopholes" that the Soviets could easily slip through.

Mr. Helms, resuming his fight against the pact, has charged the Soviet Union is already violating the treaty by providing the United States with bad information about the number of medium-range missiles in Soviet arsenals.

Mr. Helms said classified Defense Information Agency data indicate the Soviets could have up to 300 more medium-range missiles than the 650 they say they have.

"Why is the DIA sticking by its estimates when the State Department and CIA are sticking by Soviet declarations?" Mr. Helms asked, suggesting that the "books have been cooked."

"We don't need any book-cooking around here," he said. "We need the facts."

Mr. Nitze agreed that intelligence agency estimates vary. But, he said, the data the Soviets gave the United States three months ago are, "on the whole, within the bounds of our intelligence estimates."

Mr. Helms also has argued that the treaty would allow the Soviets to take the warheads, or nuclear devices, from the medium-range missiles they destroy and attach them to long-range strategic missiles.

"Practically, I don't know whether it would be feasible for them to do so," said Mr. Nitze, explaining that medium-range and long-range Soviet missiles are very different systems.

He said the treaty would not prohibit the Soviets from pointing long-range missiles at the same Western European targets their medium-range weapons now cover.

But "it generally is a waste of assets" to use more expensive long-range systems to do the work of medium-range missiles, he said. "It's not an intelligent thing to do."

Sen. Alan Cranston, California Democrat, said of Mr. Helms: "I don't think he has picked up any followers, and each of his points have been handily knocked down."

Mr. Cranston is intent on keeping the INF treaty free of "killer" amendments that would force its renegotiation. The Senate majority whip has said he believes the treaty will be approved by the 67 votes required, but amendments could be added by a simple majority of 51 senators.

"I have some very serious questions about this treaty," said Sen. Larry Pressler, South Dakota Republican and the only other committee member likely to seek major changes in the treaty.

"I get a feeling people are saying we should just roll over and play dead, and if you offer an amendment you're not on the team," Mr. Pressler said.

Mr. Pressler wants the Soviets to agree to reduce the Warsaw Pact's conventional-force advantage over NATO before the INF treaty takes effect.

"I believe that would be very unwise," Mr. Nitze said. "It would be a mistake not to ratify this treaty because some other desirable end is not accomplished."

[Enclosure No. 28]
[From the Washington Times, Feb. 1, 1987]

CORRECTION

The Times reported in Friday's editions that Sen. Jesse Helms disclosed classified information during a Senate Foreign Relations Committee hearing. This was incorrect. Mr. Helms was citing unclassified information from the Defense Intelligence Agency when he charged there were discrepancies among U.S. estimates on the number of Soviet medium-range missiles covered by the INF treaty.

[Enclosure No. 29]
LETTER FROM SECRETARY OF STATE GEORGE P. SHULTZ

THE SECRETARY OF STATE

WASHINGTON

May 13, 1987

Dear Senator Helms:

Your letter of April 27 poses a number of questions about the INF Treaty we are currently negotiating with the Soviets. I agree with you that two of the fundamental principles that should form the basis of all arms control negotiations are equality and verifiability. I welcome this opportunity to respond to your specific questions.

To give your questions a full reply, I have enclosed a point-by-point response to the issues you have raised. Thank you for this opportunity to respond to your questions.

Sincerely yours,

George P. Shultz

George P. Shultz

Q. How will Soviet conventional and nuclear advantages be deterred under an INF treaty?

A. NATO forces, both nuclear and conventional, have succeeded to date in deterring a Soviet attack. Removal of Soviet nuclear warheads in exchange for U.S. warheads at a ratio of more than 4 to 1 in our favor will improve the relative nuclear potential of the West. Together with proposed modernization of our nuclear forces which will remain in Europe, this will only enhance deterrence. If Soviet SRINF missiles also are eliminated, it would further help NATO conventional capabilities as these systems now threaten NATO ports and airfields with nuclear, chemical and conventional warheads.

Q. Will the comparative Soviet advantages be greater after such a treaty? If not, what would be the Soviet incentive to agree to a treaty that would produce equal levels?

A. As noted above, the comparative Soviet advantages would be somewhat less after the implementation of an INF treaty. Gorbachev appears to be following a somewhat different strategy to supercede his former one which we successfully countered.

Equality and Verifiability

Q. How well can SS-20 reduction constraints be verified?

A. The SS-20 is a mobile missile, and consequently will require a strict verification regime. As an example, in addition to the approximately 440 SS-20 missiles now deployed, there may be as many as 200-400 (or more) such missiles in the U.S.S.R.'s inventory. As a result, we have devised a comprehensive verification regime to maximize the prospects for compliance and deter cheating. In addition to national technical means, our proposed verification regime includes on-site inspection to confirm the initial exchange of data on treaty-limited items; on-site inspection to confirm the elimination of systems; on-site inspections to monitor compliance with residual levels; and continuous monitoring (24-hour on-site presence) at various LRINF missile support facilities, such as missile production and final assembly facilities. Even so, the potential military risk is real for crises and wartime situations from illegal, covert, stored missiles. Beyond the comprehensive verification regime described above, this risk can be ameliorated through unilateral safeguards. The Soviets have already agreed to the use of national technical means, a comprehensive data exchange, on-site inspection of missile and launcher reductions, and some monitoring of residual LRINF missiles and launchers. However,

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[Enclosure No. 30]
MEMORANDUM FROM SENATOR HELMS

SUMMARY

Additional research and subsequent analysis have determined that there are several further pre-1988 open sources, the most important of which dates back to 1976, for unclassified estimates of 2,250 SS-20s, 1,200 SS-20s, 950 SS-20s, 840 SS-20s, 700 SS-20s, and 550 SS-20s.

The most important unclassified estimate of SS-20s is that at least 1,200 were being produced, and this unclassified estimate dates back to 1976. The 1,200 estimate was in a 1976 press article by former Assistant Secretary of Defense William Beecher, and was

probably derived from a reliable DIA source in 1976. The Director of the Arms Control and Disarmament Agency in 1976, Dr. Fred Ikle, was quoted in the article, ~~and may also have been the source of the classified information.~~ This seems to be an authoritative estimate, and it seems to be a reliable mid-range estimate. It was reported in the press long ago, and because there have been similar officially declassified estimates of 1,200 SS-20s, it apparently did not jeopardize intelligence sources and methods. Therefore, all lower estimates seem equally unclassified. Moreover, the highest estimate of SS-20s--2,250--is also derived from this same 1976 source, by doubling the 1,200 because of production over two Five Year Plans and then subtracting the approximately 150 SS-20s reportedly test-launched. Therefore estimates higher than 1,200, such as 2,250, seem equally unclassified.

Thus all six of these estimated SS-20 numbers seem to be unclassified, and seem to have been unclassified since 1976.

In addition, all six of the SS-20 estimate numbers can easily be derived from combining officially declassified pre-1988 numbers with numbers in an open press article of November 18, 1987.

Both the 1976 and the 1987 press articles are attached.

1. Specific pre-1988 open source for DIA estimate of 1,200 SS-20s:

An authoritative source writing in 1976 stated that: "...about 1,200 SS-20s [were] now [in 1976] being produced in Soviet factories." The author of the article that revealed the 1,200 SS-20 production estimate was William Beecher, a former Assistant Secretary of Defense, and it is reasonable to infer that the estimate came from DIA ~~also~~ possibly ~~also~~ from the then-Director of ACDA, Dr. Ikle, who was quoted in the article. See Boston Globe, September 5, 1976, "Soviet Mobile Missile Worries U.S," by William Beecher. This article has long been cited and regarded as authoriative by many authors writing about intelligence and strategic issues.

2. Additional specific pre-1988 open source for DIA estimate of 1,200 SS-20s:

In the INF Treaty unclassified MOU on data of December 8, 1987, the Soviets declared 650 SS-20s. When these 650 SS-20s are added to the high estimate of "530" nondeployed SS-20s reported in the press, the total is 1,180, or almost 1,200. See Washington Post, November 18, 1987. "What About the Hidden SS-20s," by Rowland Evans and Robert Novak.

3. Specific pre-1988 open source for NIE majority assessment of 950 SS-20s:

An estimate of 971 SS-20s, slightly higher than 950, can be derived from adding "441" deployed SS-20s from DIA's officially declassified Soviet Military Power 1987 to the high of "530" SS-20s estimated non-deployed, as reported in the press. See Washington Post, November 18, 1987, "What About the Hidden SS-20s," by Rowland Evans and Robert Novak. (The best unclassified source for this 950 estimate remains, however, the open testimony of the Chairman of the Joint Chiefs of Staff, Admiral Crowe, on January 25, 1988.)

4. Specific pre-1988 open source for CIA/State INR estimate of 700 SS-20s:

An estimate of 712 SS-20s, slightly higher than 700, can be derived from DIA's officially declassified Soviet Military Power 1984. This source states that: "The number of deployed SS-20 launchers could increase by at least 50 percent by the late 1980s." The same document stated that there were then 378 SS-20s deployed. Multiplying 50 % of 378 and adding it to 378 yields 567 SS-20s estimated for the late 1980s. Adding the low estimate of "145" SS-20s non-deployed--see Washington Post, November 18, 1987 "What About the Hidden SS-20s," Rowland Evans and Robert Novak--to the estimate of 567 SS-20s yields 712, which is slightly higher than 700.

5. Specific pre-1988 open source for CIA/State INR estimate of 550 SS-20s:

An estimate of 550 SS-20s can be derived from adding 405 SS-20s deployed from the INF Treaty unclassified MOU of December 8, 1987, to the low of "145" SS-20s estimated non-deployed--see Washington Post, November 18, 1987, "What About the Hidden SS-20s," Rowland Evans and Robert Novak.

6. Specific pre-1988 open sources for 2,250 and 840--see pages 194, 195, and 196, of The INF Treaty, Report of the Committee on Foreign Relations, United States Senate, April 14, 1988. The 2,250 estimate is based on the unclassified DIA estimate of 1,200 revealed in 1976. The 840 estimate was from a May 13, 1987 unclassified letter from Secretary of State Shultz to Senator Helms.

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